(ii) medicines and medical supplies, as authorized by the Secretary of the Treasury, and rice, beans, sugar, wheat flour, cooking oil, corn, corn flour, milk, and edible tallow, provided that neither the *de facto* regime in Haiti nor any person designated by the Secretary of the Treasury as a blocked individual or entity of Haiti is a direct or indirect party to the transaction; or

(iii) donations of food, medicine, and medical supplies intended to relieve human suffering; and

(c) Any transaction by United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order.

Sec. 2. For the purposes of this order, the definitions contained in section 3 of Executive Order No. 12779 apply to the terms used in this order.

Sec. 3. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by the International Emergency Economic Powers Act and the United Nations Participation Act, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order, including suspension or termination of licenses or other authorizations in effect as of the effective date of this order.

Sec. 4. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 5. (a) This order shall take effect at 11:59 a.m., eastern daylight time on June 10, 1994.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
June 10, 1994.

[FR Doc. 94–14582
Filed 6–10–94; 3:40 pm]
Billing code 3195–01–P

Editorial note: For the President's remarks on these sanctions and his message and memorandum to the Congress on Haiti, see volume 30, issue 23 of the *Weekly Compilation of Presidential Documents*.

Rules and Regulations

Federal Register
Vol. 59, No. 113
Tuesday, June 14, 1994

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AG08

Prevailing Rate Systems; Change of Lead Agency Responsibility for the Miami, Florida, Appropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing an interim regulation to transfer lead agency responsibility for the Miami, Florida, appropriated fund Federal Wage System (FWS) wage area from the Department of Defense (DOD) to the Department of Veterans Affairs (VA). The FWS employment at Homestead Air Force Base (AFB), the current host installation for the Miami wage area, has declined since Hurricane Andrew in 1992 and is expected to decline further. The VA Medical center is now the largest single employer of FWS employees in the wage area, has the resources to carry out local wage surveys in the area, and is willing to assume responsibility as lead agency.

DATES: This interim rule becomes effective on June 14, 1994. Comments must be received by July 14, 1994.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Acting Assistant Director for Compensation Policy, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, room 6H31, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Angela Graham Humes, (202) 606–2848.

SUPPLEMENTARY INFORMATION: DOD is the lead agency for the Miami, Florida, appropriated fund FWS wage area, and Homestead AFB is the host activity for the local FWS wage survey. FWS employment at Homestead AFB has declined since the destruction caused by Hurricane Andrew in 1992 and is expected to decline further. The next largest DOD activity is located in Key West, Florida, and is not a practical alternative to function as a host activity. DOD has requested that VA assume lead agency responsibility. The VA Medical Center is now the largest single employer of FWS employees in the appropriated fund wage area and is willing to assume responsibility as lead agency. Both DOD and VA request that the transfer of lead agency responsibility for the Miami appropriated fund wage area become effective as soon as possible. Pre-survey activities for the next full-scale wage survey, scheduled for January 1995, begin in mid-1994. The Federal Prevailing Rate Advisory Committee has reviewed and concurred with this proposed change.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because pre-survey preparations for the January 1995 wage survey must begin shortly.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix A to Subpart B [Amended]

2. Appendix A to subpart B is amended for Miami, Florida, by removing the lead agency listing "DOD" and adding in its place "VA".

[FR Doc. 94–14274 Filed 6–13–94; 8:45 am]
BILLING CODE 6325–01–M

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Regional Offices; Jurisdictional Changes

AGENCY: Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority.

ACTION: Notice of final amendments to rules and regulations.

SUMMARY: This document amends the rules and regulations of the Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority to provide for changes in the geographical jurisdictions of the seven Regional Directors concerning unfair labor practice charges and representation petitions.

EFFECTIVE DATE: June 20, 1994.

FOR FURTHER INFORMATION CONTACT: David L. Feder, Acting Deputy General Counsel, (202) 482–6680 extension 203.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority and the General Counsel published, at 45 FR 3482, January 17, 1980, final rules and regulations to govern the processing of cases by the Authority and the General Counsel under chapter 71 of title 5 of the United States Code. These rules and regulations are required by title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR part 2400 *et seq.* (1993). Appendix A, paragraph (f) of the rules and regulations sets forth the geographic jurisdictions of the Regional Directors of the Authority.

In the best interest of maximizing the resources within the Office of the General Counsel and efficient and effective case processing, the General Counsel and the Authority published on May 2, 1994 at 49 FR 22537–22538, a proposed rule to realign the

geographical jurisdictions of the Regional Directors to distribute the caseload, based on historic perspective, among the seven Regional Directors so that the seven regional offices have a substantially similar size caseload. No comments were submitted.

The change in geographic jurisdiction is in conjunction with the General Counsel review of regional office staffing patterns with the goal of achieving parity in the number of employees per region. The change will result in equalizing the work per regional office employee. The Office of the General Counsel will transfer cases between regions on a recurring basis, as necessary, based on caseload and staffing so that Office of the General Counsel resources will be utilized to the fullest extent.

Executive Order 12291

This proposed regulation has been reviewed in accordance with Executive Order 12291. It is not classified as major because it does not meet the criteria for major regulations established by the Order.

Regulatory Flexibility Act Certification

The General Counsel has determined that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1980

The proposed regulation contains no information collection or recordkeeping requirement under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*)

For the reasons set out in the preamble and under the authority of 5 U.S.C. 7134, Appendix A to 5 CFR Chapter XIV is amended by revising paragraph (f) to read as follows:

Appendix A to 5 CFR Chapter XIV—Current Addresses and Geographic Jurisdictions

* * * * *

(f) The geographic jurisdictions of the Regional Directors of the Authority are as follows:

State or other locality	Regional office
Alabama	Atlanta.
Alaska	Denver.
Arizona	Denver.
Arkansas	Dallas.
California	San Francisco.
Colorado	Denver.
Connecticut	Boston.
Delaware	Boston.
District of Columbia	Washington, DC.
Florida	Atlanta.
Georgia	Atlanta.
Hawaii and all land and water areas west of the continents of North and South America (except coastal islands) to long. 90 degrees East.	San Francisco.
Idaho	Denver.
Illinois	Chicago.
Indiana	Chicago.
Iowa	Chicago.
Kansas	Denver.
Kentucky	Chicago.
Louisiana	Dallas.
Maine	Boston.
Maryland	Washington, DC.
Massachusetts	Boston.
Michigan	Chicago.
Minnesota	Chicago.
Mississippi	Atlanta.
Missouri, Eastern (Scotland, Knox, Monroe, Audrain, Shelby, Callaway, Maries, Osage, Pulaski, Texas and Howell counties and all counties east thereof).	Chicago.
Missouri, Western (all counties west of Scotland, Knox, Monroe, Audrain, Shelby, Callaway, Maries, Osage, Pulaski, Texas and Howell counties).	Denver.
Montana	Denver.
Nebraska	Denver.
Nevada	Denver.
New Hampshire	Boston.
New Jersey	Boston.
New Mexico	Denver.
New York	Boston.
North Carolina	Atlanta.
North Dakota	Denver.
Ohio	Chicago.
Oklahoma	Dallas.
Oregon	San Francisco.
Pennsylvania, Eastern (all counties except Erie, Crawford, Mercer, Lawrence, Beaver, Allegheny, Washington, Greene, Fayette, Somerset, Westmoreland, Warren, Indiana, Butler, Armstrong, Clarion, Venango, Forest, Cambia, Elk and McKean).	Boston.
Pennsylvania, Western (Erie, Crawford, Mercer, Lawrence, Beaver, Allegheny, Washington, Greene, Fayette, Somerset, Westmoreland, Warren, Indiana, Butler, Armstrong, Clarion, Venango, Forest, Cambia, Elk and McKean counties).	Chicago.
Puerto Rico	Atlanta.
Rhode Island	Boston.
South Carolina	Atlanta.
South Dakota	Denver.
Tennessee	Atlanta.

State or other locality	Regional office
Texas	Dallas.
Utah	Denver.
Vermont	Boston.
Virginia	Washington, DC.
Washington	San Francisco.
West Virginia	Chicago.
Wisconsin	Chicago.
Wyoming	Denver.
Virgin Islands	Atlanta.
Panama/limited FLRA jurisdiction	Dallas.
All land and water areas east of the continents of North and South America to long. 90 degrees E., except the Virgin Islands, Panama (limited FLRA jurisdiction), Puerto Rico and coastal islands.	Chicago.

(5 U.S.C. 7134)

For the Authority:

Jean McKee,

Chairman.

Pamela Talkin,

Member.

Tony Armendariz,

Member.

For the General Counsel:

Joe Swerdzewski,

General Counsel.

[FR Doc. 94–14451 Filed 6–13–94; 8:45 am]

BILLING CODE 6727–01–M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1755

REA Specification for Terminating Cables

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) amends its regulations on telecommunications standards and specifications for materials, equipment and construction. The revised specification will require that terminating cables comply with Article 800–50 of the 1993 National Electrical Code regarding fire retardancy of these products, include raw material requirements for insulating and jacketing compounds, and update the end product requirements associated with these type cables.

DATES: Effective date: July 14, 1994.

Compliance date: Manufacturers of terminating cables will be allowed until March 14, 1995 to supply borrowers with products already produced or currently in the process of manufacturing under previous Bulletin 345–87.

Incorporation by reference: Incorporation by reference of certain publications listed in this final rule is approved by the Director of the Federal Register as of July 14, 1994.

FOR FURTHER INFORMATION CONTACT: Garnett G. Adams, Chief, Outside Plant Branch, Telecommunications Standards Division, Rural Electrification Administration, room 2844, South Building, U.S. Department of Agriculture, Washington, DC 20250–1500, telephone number (202) 720–0667.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. If adopted, this final rule will not:

(1) Preempt any State or local laws, regulations, or policies;

(2) Have any retroactive effect; and

(3) Require administrative proceeding before parties may file suit challenging the provisions of this rule.

Regulatory Flexibility Act Certification

The Administrator of REA has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule involves standards and specifications, which may increase the direct short term costs to REA borrowers. However, the long-term direct economic costs are reduced through greater durability and lower maintenance cost over time.

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and section 3504 of that Act, information collection and recordkeeping requirements contained in this final rule have been submitted to OMB. Comments concerning these requirements should be directed to the office of Information and Regulator Affairs of OMB, Attention: Desk Officer for USDA, room 3201, New Executive Office Building, Washington, DC 20503. When OMB has approved the information collection and recordkeeping requirements contained in this final rule, REA will publish an amendment to this final rule to add the OMB control number and statement to the regulatory text.

National Environmental Policy Act Certification

The Administrator of REA has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance programs under No. 10.851, Rural Telephone Loans and Loan Guarantees, and No. 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation that requires intergovernmental consultation with state and local officials. A Notice of Final rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA and RTB loans and loan guarantees, and RTB bank loans, to governmental and nongovernmental entities from coverage under this Order.

Background

REA issues publications titled "Bulletins" which serve to guide borrowers regarding already codified policy, procedures, and requirements needed to manage loans, loan guarantee programs, and the security instruments which provide for and secure REA financing. REA issues standards and specifications for construction of telephone facilities financed with REA loan funds. REA is rescinding Bulletin 345–87, REA Specification for Terminating (TIP) Cable, PE–87, and codifying the revised specification at 7 CFR 1755.870, REA Specification for Terminating Cables.

Terminating cables are used to connect the incoming outside plant cables to the vertical side of the main distributing frame in a telephone central office. Since these cables are installed inside of a building, these cables are required to be listed in accordance with Article 800–50 of the 1993 National Electrical Code (NEC). The current specification does not require these cables to be listed in accordance with Article 800–50 of the 1993 NEC. Therefore, REA is revising the current specification to require these cables to be listed in accordance with Article 800–50 of the 1993 NEC.

The current specification does not include insulation and jacketing raw requirements, because these requirements were previously covered by REA Bulletins 345–21, 345–51, and 345–58 which have since been rescinded. Therefore, revision of the current specification is necessary to incorporate essential jacketing and insulation raw material requirements. By incorporating the raw material requirements which were formerly found in REA Bulletins 345–21, 345–51, and 345–58 into 7 CFR 1755.870, a comprehensive document will be published for the manufacture of terminating cable products.

The current specification contains end product performance requirements that have become outdated for these type cables because of the technological advancements made in the design of terminating cables over the past ten years. Therefore, REA is revising the current specification to update the end product performance requirements associated with these cables to reflect the technological advancements made in the design of these cables.

On November 17, 1993, REA published a proposed rule at 58 FR 220 to rescind REA Bulletin 345–87, REA Specification for Terminating (TIP) Cable, PE–87, and to codify the revised specification at 7 CFR 1755.870, REA Specification for Terminating Cables. Comments on this proposed rule were due by December 17, 1993. Comments and recommendations were received from one company by this due date. The comments, recommendations, and responses are summarized as follows:

The first comment recommended that solid low density polyethylene and expanded polyethylene insulating compounds should also be allowed as an optional primary layer for the dual extruded insulated conductor.

Response: One reason REA 7 CFR 1755.870 requires dual insulated conductors is to provide electrical stability and fire resistance of the insulated conductors. The electrical stability of the insulated conductor is provided by the primary layer which specifies the use of either solid high density polyethylene or solid crystalline propylene/ethylene copolymer insulating compounds. The fire resistance of the insulated conductor is provided by the outer layer or skin which specifies various types of polyvinyl chloride (PVC) insulating compounds. REA chose to limit the primary layer of the dual insulated conductor to either the solid high density polyethylene or the solid crystalline propylene/ethylene copolymer insulating compounds because these insulating compounds have proven histories of providing satisfactory electrical stability of the dual insulated conductor over time. Therefore, REA will not change 7 CFR 1755.870 to allow the use of solid low density polyethylene and expanded polyethylene insulating compounds as primary layers as recommended by the commenter.

The second comment recommended that 7 CFR 1755.870 should allow the use of single insulated conductors using solid PVC insulating compounds in addition to dual insulated conductors.

Response: Another reason REA requires the use of dual insulated conductors for terminating cables is because these terminating cables are presently being spliced to filled outside plant cables at REA borrower construction projects. REA knows that the PVC outer skin of the dual insulated conductor will degrade over time as a result of the PVC's incompatibility with the filling compound used in filled cables. REA also knows that the primary layer of the dual insulated conductor will not degrade because the insulation materials used as the primary layer of the dual insulated conductor are the same insulation materials used as conductor insulations in filled cables which have been proven to be compatible with the filling compound used in filled cables. Since satisfactory signal transmission is dependent upon the integrity of the primary layer of the dual insulated conductor in terminating cables covered by 7 CFR 1755.870, REA must assure that the primary layer will not degrade when these cables are spliced to filled outside plant cables. If REA allowed the use of single insulated conductors using solid PVC insulating compounds, signal transmission on these cables would degrade as a result of the PVC's incompatibility with filling compound when spliced to filled outside plant cables. Based on the above reasons, REA will not allow the use of single insulated conductors using PVC insulating compounds in 7 CFR 1755.870.

The next comment recommended that more restrictive volatile loss requirements should be added to the PVC raw materials used as the outer skin of the dual insulated conductors specified in 7 CFR 1755.870.

Response: The PVC raw materials used as the outer skin of the dual insulated conductor presently specified in 7 CFR 1755.870 have been used in these cables for a number of years with satisfactory results. Since no problems with terminating cables using these PVC raw materials have been encountered, REA will not add the more restrictive volatile loss requirement to the PVC raw materials requirements specified in 7 CFR 1755.870 as recommended by the commenter.

The fourth comment recommended that test method for insulation resistance (IR) specified in the American Society for Testing and Materials (ASTM) D 4566–90 Standard be allowed as an alternative test method for determining the insulation fault rate of the dual insulated conductors.

Response: REA would like to point out that the IR test method for determining the fault rate of the dual insulated conductors specified in 7 CFR 1755.870 is same IR test method as specified in REA Bulletin 345–87. Since manufacturers have been using this IR test method for determining the fault rate of the dual insulated conductors specified in REA Bulletin 345–87 for more than eleven years without any reported problems, REA will not change 7 CFR 1755.870 to allow the alternative IR test method specified in ASTM D 4566–90 as a method for determining the insulation fault of the dual insulated conductors.

The next comment recommended that the dual insulated conductor cold bend test temperature specified in 7 CFR 1755.870 be changed from -40 ± 1 °C to -20 ± 1 °C.

Response: REA would like to point out that the −40 ± 1 °C dual insulated cold bend test temperature specified in 7 CFR 1755.870 is same cold bend test temperature as specified in REA Bulletin 345–87. Since manufacturers have been performing cold bend tests on the dual insulated conductors using the −40 ± 1 °C test temperature specified in REA Bulletin 345–87 for more than eleven years without any reported problems, REA will not change the −40 ± 1 °C cold bend test temperature specified in 7 CFR 1755.870 to the −20 ± 1 °C cold bend test temperature recommended by the commenter.

The sixth comment recommended that the PVC jacket raw material requirements be eliminated from the specification.

Response: REA considers the PVC jacket raw material requirements along with end product PVC jacket requirements to be critical requirements to assure that the PVC jacket will withstand the rigors of installation. Since REA considers PVC jacket raw material requirements as one essential way of assuring that the PVC jacket will withstand the rigors of installation, REA will not eliminate the PVC jacket raw material requirements from 7 CFR 1755.870 as recommended by the respondent.

The seventh comment from the respondent recommended that the thicknesses of the outer jacket should be reduced to coincide with other standards for these type cables.

Response: First, REA knows of no accepted American National Standard for terminating cables. If REA was aware otherwise, REA would reference the jacket thickness requirements of the national standard to assist the industry in providing one cable design that could be used by both REA and non-REA telephone operating companies. Since its REA's knowledge, no accepted national standard exists, REA incorporated the jacket thickness requirements presently specified in REA Bulletin 345–87 into 7 CFR 1755.870 because these thickness requirements have been used for REA terminating cables for over eleven years without any reported field problems. Therefore, REA will not reduce the jacket thickness requirements specified in 7 CFR 1755.870 to the recommendation of the commenter.

The next comment recommended reducing the voice frequency electrical requirements because the respondent feels that the voice frequency electrical requirements specified in 7 CFR 1755.870 are too stringent for voice frequency signal transmission.

Response: The voice frequency electrical requirements specified in 7 CFR 1755.870 were chosen to match voice frequency electrical requirements of outside plant cables to provide satisfactory voice frequency signal transmission. In addition the voice frequency electrical requirements specified in 7 CFR 1755.870 are identical to the voice frequency electrical requirements specified in REA Bulletin 345–87 which has been providing satisfactory voice frequency signal transmission to REA borrowers for the past eleven years. Since REA wanted the voice frequency electrical requirements of terminating cables to match the voice frequency electrical requirements of outside plant cables, REA will not reduce the voice frequency electrical requirements of 7 CFR 1755.870 as recommended by the respondent.

The last comment from the respondent recommended that the test voltages used to test dielectric strength between conductors and dielectric strength between the cable core and shield be changed to coincide with other industry specifications for these type cables.

Response: First, REA knows of no accepted American National Standard for terminating cables. If such a standard did exist, REA would reference the dielectric strength test voltages of the national standard to assist the industry in providing one cable design that could be used by both non-REA and REA telephone operating companies. Since no accepted national standard exists, REA incorporated the dielectric strength test voltages presently specified in REA Bulletin 345–87 into 7 CFR 1755.870 because these dielectric strength test voltages have been used for REA terminating cables for over eleven years without any reported problems. Therefore, REA will not change the dielectric strength test voltages specified in 7 CFR 1755.870 to the commenter's recommendation.

Although REA did not incorporate any of the respondent's recommendations into 7 CFR 1755.870, REA did renumber paragraphs (b)(3)(i) through (b)(12),(e)(2)(i) and (e)(2)(ii) to (b)(3) through (b)(13),(e)(2), and (e)(3), respectively, to make these paragraph numbers more user friendly to interested parties. No changes were made to the technical requirements specified in the above mentioned paragraphs.

List of Subjects in 7 CFR Part 1755

Incorporation by reference, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For reasons set out in the preamble, REA amends Chapter XVII of title 7 of the Code of Federal Regulations as follows:

PART 1755—TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT AND CONSTRUCTION

1. The authority citation for part 1755 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*

§ 1755.97 [Amended]

2. Section 1755.97 is amended by removing the entry REA Bulletin 345–87 from the table.

3. Section 1755.870 is added to read as follows:

§ 1755.870 REA specification for terminating cables.

(a) *Scope.* (1) This section establishes the requirements for terminating cables used to connect incoming outside plant cables to the vertical side of the main distributing frame in a telephone central office.

(i) The conductors are solid tinned copper, individually insulated with extruded solid dual insulating compounds.

(ii) The insulated conductors are twisted into pairs which are then stranded or oscillated to form a cylindrical core.

(iii) The cable structure is completed by the application of a core wrap, a shield, and a polyvinyl chloride jacket.

(2) The number of pairs and gauge size of conductors which are used within the REA program are provided in the following table:

American Wire Gauge (AWG)	D22	24
Number of Pairs	12	12
	50	50
	100	100
	200	200
	300	300
	400	400
	600	600
	800	800

NOTE: Cables larger in pair sizes from those shown in this table shall meet all the requirements of this section.

(3) All cables sold to REA borrowers for projects involving REA loan funds under this section must be accepted by REA Technical Standards Committee "A" (Telephone). For cables manufactured to the specification of this section, all design changes to an accepted design must be submitted for acceptance. REA will be the sole

authority on what constitutes a design change.

(4) Materials, manufacturing techniques, or cable designs not specifically addressed by this section may be allowed if accepted by REA. Justification for acceptance of modified materials, manufacturing techniques, or cable designs shall be provided to substantiate product utility and long term stability and endurance.

(5) The American National Standard Institute/Electronic Industries Association (ANSI/EIA) 359–A–84, EIA Standard Colors for Color Identification and Coding, referenced in this section is incorporated by reference by REA. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of ANSI/EIA 359–A–84 are available for inspection during normal business hours at REA, room 2845, U.S. Department of Agriculture, Washington, DC 20250–1500 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies are available from Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112, telephone number (303) 792–2181.

(6) American Society for Testing and Materials Specifications (ASTM) B 33–91, Standard Specification for Tinned Soft or Annealed Copper Wire for Electrical Purposes; ASTM B 736–92a Standard Specification for Aluminum, Aluminum Alloy and Aluminum-Clad Steel Cable Shielding Stock; ASTM D 1248–84 (1989), Standard Specification for Polyethylene Plastics Molding and Extrusion Materials; ASTM D 1535–89, Standard Test Method for Specifying Color by the Munsell System; ASTM D 2287–81 (Reapproved 1988), Standard Specification for Nonrigid Vinyl Chloride Polymer and Copolymer Molding and Extrusion Compounds; ASTM D 2436–85, Standard Specification for Forced-Convection Laboratory Ovens for Electrical Insulation; ASTM D 2633–82 (Reapproved 1989), Standard Methods of Testing Thermoplastic Insulations and Jackets for Wire and Cable; ASTM D 4101–82 (1988), Standard Specification for Propylene Plastic Injection and Extrusion Materials; ASTM D 4565–90a, Standard Test Methods for Physical and Environmental Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable; ASTM D 4566–90, Standard Test Methods for Electrical Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable; and ASTM E 29–90, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications, referenced in this section are incorporated by reference by REA. These incorporations by references were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at REA, room 2845, U.S. Department of Agriculture, Washington, DC 20250–1500 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies are available from ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103–1187, telephone number (215) 299–5585.

(7) American National Standards Institute/National Fire Protection Association (ANSI/NFPA), NFPA 70–1993 National Electrical Code referenced in this section is incorporated by reference by REA. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the ANSI/NFPA standard is available for inspection during normal business hours at REA, room 2845, U.S. Department of Agriculture, Washington, DC 20250–1500 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies are available from NFPA, Batterymarch Park, Quincy, Massachusetts 02269, telephone number 1 (800) 344–3555.

(8) Underwriters Laboratories Inc. (UL) 1666, Standard Test for Flame Propagation Height of Electrical and Optical-Fiber Cables Installed Vertically in Shafts, dated January 22, 1991, referenced in this section is incorporated by reference by REA. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the UL standard is available for inspection during normal business hours at REA, room 2845, U.S. Department of Agriculture, Washington, DC 20250–1500 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies are available from UL Inc., 333 Pfingsten Road, Northbrook, Illinois 60062–2096, telephone number (708) 272–8800.

(b) *Conductors and conductor insulation.* (1) Each conductor shall be a solid round wire of commercially pure annealed tin coated copper. Conductors shall meet the requirements of the American Society for Testing and Materials (ASTM) B 33–91 except that requirements for *Dimensions and Permissible Variations* are waived.

(2) Joints made in conductors during the manufacturing process may be brazed, using a silver alloy solder and nonacid flux, or they may be welded using either an electrical or cold welding technique. In joints made in uninsulated conductors, the two conductor ends shall be butted. Splices made in insulated conductors need not be butted but may be joined in a manner acceptable to REA.

(3) The tensile strength of any section of a conductor, containing a factory joint, shall not be less than 85 percent of the tensile strength of an adjacent section of the solid conductor of equal length without a joint.

(4) Engineering Information: The sizes of wire used and their nominal diameters shall be as shown in the following table:

AWG	Nominal diameter	
	Millimeters	(Inches)
22	0.643	(0.0253)
24	0.511	(0.0201)

(5) Each conductor shall be insulated with a primary layer of natural or white solid, insulating grade, high density polyethylene or crystalline propylene/ethylene copolymer and an outer skin of colored, solid, insulating grade, polyvinyl chloride (PVC) using one of the insulating materials listed in paragraphs (b)(5)(i) through (iii) of this section.

(i) The polyethylene raw material selected to meet the requirements of this section shall be Type III, Class A, Category 4 or 5, Grade E9, in accordance with ASTM D 1248–84 (1989).

(ii) The crystalline propylene/ethylene raw material selected to meet the requirements of this section shall be Class PP 200B 40003 E11 in accordance with ASTM D 4101–82 (1988).

(iii) The PVC raw material selected to meet the requirements of this section shall be either Type PVC–64751E3XO, Type PVC–76751E3XO, or Type PVC–77751E3XO in accordance with ASTM D 2287–81 (1988).

(iv) Raw materials intended as conductor insulation furnished to these requirements shall be free from dirt, metallic particles, and other foreign matter.

(v) All insulating raw materials shall be accepted by REA prior to their use.

(6) All conductors in any single length of cable shall be insulated with the same type of material.

(7) A permissible overall performance level of faults in conductor insulation when using the test procedures in

paragraph (b)(8) of this section shall average not greater than one fault per 12,000 conductor meters (40,000 conductor feet) for each gauge of conductor.

(8) The test used to determine compliance with paragraph (b)(7) of this section shall be conducted as follows:

(i) Samples tested shall be taken from finished cables selected at random from standard production cable. The samples tested shall contain a minimum of 300 conductor meters (1,000 conductor feet) for cables sizes less than 50 pairs and 1,500 conductor meters (5,000 conductor feet) for cables sizes greater than or equal to 50 pairs. No further sample need be taken from the same cable production run within 6,000 cable meters (20,000 cable feet) of the original test sample from that run.

(ii) The cable sample shall have its jacket, shield, and core wrap removed and its core shall be immersed in tap water for a minimum period of 6 hours. In lieu of removing the jacket, shield, and core wrap from the core, the entire cable may be tested. In this case, the core shall be completely filled with tap water, under pressure; then the cable assembly shall be immersed for a minimum period of 6 hours. With the cable core still fully immersed, except for end connections, the insulation resistance (IR) of all conductors to water shall be measured using a direct current (dc) voltage of 100 volts to 550 volts.

(iii) An IR value of less than 500 megohms for any individual insulated conductor tested at or corrected to a temperature of 23 °C is considered a failure. If the cable sample is more than 7.5 meters (25 feet) long, all failing conductors shall be retested and reported in 7.5 meter (25 foot) segments.

(iv) The pair count, gauge, footage, and number of insulation faults shall be recorded. This information shall be retained on a 6 month running basis for review by REA when requested.

(v) A fault rate, in a continuous length in any one reel, in excess of one fault per 3,000 conductor meters (10,000 conductor feet) due to manufacturing defects is cause for rejection. A minimum of 6,000 conductor meters (20,000 conductor feet) is required to develop a noncompliance in a reel.

(9) Repairs to the conductor insulation during manufacturing are permissible. The method of repair shall be accepted by REA prior to its use. The repaired insulation shall be capable of meeting the relevant electrical requirements of this section.

(10) All repaired sections of insulation shall be retested in the same manner as originally tested for compliance with paragraph (b)(7) of this section.

(11) The colored composite insulating material removed from or tested on the conductor, from a finished cable, shall be capable of meeting the following performance requirements:

Property	Composite insulation
Tensile Strength, Minimum Megapascals (MPa) (Pounds per square inch (psi))	16.5 (2400)
Ultimate Elongation Percent, Minimum	125
Cold Bend Failures, Maximum	0/10
Shrinkback, Maximum Millimeter (mm) (Inches (in.))	9.5 (3/8)
Adhesion, Maximum Newtons (N) (Pound-force (lbf))	13.3 (3)
Compression Minimum, N (lbf)	1780 (400)

(12) *Testing procedures.* The procedures for testing the composite insulation samples for compliance with paragraph (b)(11) of this section shall be as follows:

(i) *Tensile strength and ultimate elongation.* Samples of the insulation material, removed from the conductor, shall be tested in accordance with ASTM D 2633–82(1989), except that the speed of jaw separation shall be 50 millimeters/minute (50 mm/min) (2 inches/minute (2 in./min)).

Note: Quality assurance testing at a jaw separation speed of 500 mm/min (20 in./min) is permissible. Failures at this rate shall be retested at the 50 mm/min (2 in./min) rate to determine specification compliance.

(ii) *Cold bend.* Samples of the insulation material on the conductor shall be tested in accordance with ASTM D 4565–90a at a temperature of −40±1 °C with a mandrel diameter of 6 mm (0.25 in.). There shall be no cracks visible to normal or corrected-to-normal vision.

(iii) *Shrinkback.* Samples of insulation shall be tested for four hours at a temperature of 115±1 °C in accordance with ASTM D 4565–90a.

(iv) *Adhesion.* Samples of insulation material on the conductor shall be tested in accordance with ASTM D 4565–90a with a crosshead speed of 50 mm/min (2 in./min).

(v) *Compression.* Samples of the insulation material on the conductor shall be tested in accordance with ASTM D 4565–90a with a crosshead speed of 5 mm/min (0.2 in./min).

(13) Other methods of testing may be used if acceptable to REA.

(c) *Identification of pairs and twisting of pairs.* (1) The PVC skin shall be colored to identify:

(i) The tip and ring conductor of each pair; and

(ii) Each pair in the completed cable.

(2) The colors used to provide identification of the tip and ring conductor of each pair shall be as shown in the following table:

Pair No.	Color	
	Tip	Ring
1	White	Blue
2	White	Orange
3	White	Green
4	White	Brown
5	White	Slate
6	Red	Blue
7	Red	Orange
8	Red	Green
9	Red	Brown
10	Red	Slate
11	Black	Blue
12	Black	Orange
13	Black	Green
14	Black	Brown
15	Black	Slate
16	Yellow	Blue
17	Yellow	Orange
18	Yellow	Green
19	Yellow	Brown
20	Yellow	Slate
21	Violet	Blue
22	Violet	Orange
23	Violet	Green
24	Violet	Brown
25	Violet	Slate

(3) *Standards of color.* The colors of the insulated conductors supplied in accordance with this section are specified in terms of the Munsell Color System (ASTM D 1535–89) and shall comply with the "Table of Wire and Cable Limit Chips" as defined in ANSI/EIA–359–A–84. (Visual color standards meeting these requirements may be obtained directly from the Munsell Color Company, Inc., 2441 North Calvert Street, Baltimore, Maryland 21218).

(4) Positive identification of the tip and ring conductors of each pair by marking each conductor of a pair with the color of its mate is permissible. The method of marking shall be accepted by REA prior to its use.

(5) Other methods of providing positive identification of the tip and ring conductors of each pair may be employed if accepted by REA prior to its use.

(6) The insulated conductors shall be twisted into pairs.

(7) In order to provide sufficiently high crosstalk isolation, the pair twists shall be designed to enable the cable to meet the capacitance unbalance and the crosstalk loss requirements of paragraphs (h)(2), (h)(3), and (h)(4) of this section.

(8) The average length of pair twists in any pair in the finished cable, when measured on any 3 meter (m) (10 foot

(ft)) length, shall not exceed 152 mm (6 in.).

(d) *Forming of the cable core.* (1) Twisted pairs shall be assembled in such a way as to form a substantially cylindrical group.

(2) When desired for lay-up reasons, the basic group may be divided into two or more subgroups called units.

(3) Each group, or unit in a particular group, shall be enclosed in bindings of the colors indicated for its particular pair count. The pair count, indicated by the color of insulation, shall be consecutive as indicated in paragraph (d)(5) of this section through units in a group.

(4) Threads or tapes used as binders shall be nonhygroscopic and nonwicking. The threads shall consists of a suitable number of ends of each color arranged as color bands. When tapes are used as binders, they shall be colored. Binders shall be applied with a lay of not more than 100 mm (4 in.). The colored binders shall be readily recognizable as the basic intended color and shall be distinguishable from all other colors.

(5) The colors of the bindings and their significance with respect to pair count shall be as shown in the following table:

Group No.	Color of bindings	Group pair count
1	White-Blue	1–25
2	White-Orange	26–50
3	White-Green	51–75
4	White-Brown	76–100
5	White-Slate	101–125
6	Red-Blue	126–150
7	Red-Orange	151–175
8	Red-Green	176–200
9	Red-Brown	201–225
10	Red-Slate	226–250
11	Black-Blue	251–275
12	Black-Orange	276–300
13	Black-Green	301–325
14	Black-Brown	326–350
15	Black-Slate	351–375
16	Yellow-Blue	376–400
17	Yellow-Orange	401–425
18	Yellow-Green	426–450
19	Yellow-Brown	451–475
20	Yellow-Slate	476–500
21	Violet-Blue	501–525
22	Violet-Orange	526–550
23	Violet-Green	551–575
24	Violet-Brown	576–600

(6) The use of the white unit binder in cables of 100 pair or less is optional.

(7) When desired for manufacturing reasons, two or more 25 pair groups may be bound together with nonhygroscopic and nonwicking threads or tapes into super-units. The group binders and the super-unit binders shall be colored such that the combination of the two binders shall positively identify each 25 pair group from every other 25 pair group in the cable.

(8) Super-unit binders shall be of the colors shown in the following table:

SUPER-UNIT BINDER COLORS

Pair No.	Binder color
1–600	White
601–1200	Red

(e) *Core wrap.* (1) The core shall be completely covered with a layer of nonhygroscopic and nonwicking dielectric material. The core wrap shall be applied with an overlap.

(2) The core wrap shall provide a sufficient heat barrier to prevent visible evidence of conductor insulation deformation or adhesion between conductors, caused by adverse heat transfer during the jacketing operation.

(3) Engineering Information: If required for manufacturing reasons, white or uncolored binders of nonhygroscopic and nonwicking material may be applied over the core and/or core wrap.

(f) *Shield.* (1) An aluminum shield, plastic coated on one side, shall be applied longitudinally over the core wrap.

(2) The shield may be applied over the core wrap with or without corrugations (smooth) and shall be bonded to the outer jacket.

(3) The shield overlap shall be a minimum of 3 mm (0.125 in.) for cables with core diameters of 15 mm (0.625 in.) or less and a minimum of 6 mm (0.25 in.) for cables with core diameters greater than 15 mm (0.625 in.). The core diameter is defined as the diameter under the core wrap and binding.

(4) General requirements for application of the shielding material shall be as follows:

(i) Successive lengths of shielding tapes may be joined during the manufacturing process by means of cold weld, electric weld, soldering with a nonacid flux, or other acceptable means;

(ii) The metal shield with the plastic coating shall have the coating removed prior to joining the metal ends together. After joining, the plastic coating shall be restored without voids using good manufacturing techniques;

(iii) The shields of each length of cable shall be tested for continuity. A one meter (3 ft) section of shield containing a factory joint shall exhibit not more than 110 percent of the resistance of a shield of equal length without a joint;

(iv) The breaking strength of any section of a shield tape containing a factory joint shall not be less than 80 percent of the breaking strength of an adjacent section of the shield of equal length without a joint;

(v) The reduction in thickness of the shielding material due to the corrugating or application process shall be kept to a minimum and shall not exceed 10 percent at any spot; and

(vi) The shielding material shall be applied in such a manner as to enable the cable to pass the bend test as specified in paragraph (i)(1) of this section.

(5) The dimensions of the uncoated aluminum tape shall be 0.2030±0.0254 mm (0.0080±0.0010 in.).

(6) The aluminum tape shall conform to either Alloy AA–1100–0, AA–1145–0, or AA–1235–0 as covered in the latest edition of Aluminum Standards and Data, issued by the Aluminum Association, except that requirements for tensile strength are waived.

(7) The single-sided plastic coated aluminum shield shall conform to the requirements of ASTM B 736–92a, Type I Coating, Class 1 or 2, or Type II Coating, Class 1. The minimum thickness of the Type I Coating shall be 0.038 mm (0.0015 in.). The minimum thickness of the Type II Coating shall be 0.008 mm (0.0003 in.).

(8) The plastic coated aluminum shield shall be tested for resistance to water migration by immersing a one meter (3 ft) length of tape under a one meter (3 ft) head of water containing a soluble dye plus 0.25 percent (%) wetting agent.

(i) After a minimum of 5 minutes, no dye shall appear between the interface of the shield tape and the plastic coating.

(ii) The actual test method shall be acceptable to REA.

(9) The bond between the plastic coated shield and the jacket shall conform to the following requirements:

(i) Prepare test strips approximately 200 mm (8 in.) in length. Slit the jacket and shield longitudinally to produce 4 strips evenly spaced and centered in 4 quadrants on the jacket circumference. One of the strips shall be centered over the overlapped edge of the shielding tape. The strips shall be 13 mm (0.5 in.) wide. For cable diameters less than 19 mm (0.75 in.) make two strips evenly spaced.

(ii) Separate the shield and jacket for a sufficient distance to allow the shield and jacket to be fitted in the upper and lower jaws of a tensile machine. Record the maximum force required to separate the shield and jacket to the nearest newton (pound-force). Repeat this action for each test strip.

(iii) The force required to separate the jacket from the shield shall not be less

than 9 N (2 lbf) for any individual strip when tested in accordance with paragraph (f)(9)(ii) of this section. The average force for all strips of any cable shall not be less than 18 N (4 lbf).

(g) *Cable jacket and extraneous material.* (1) The jacket shall provide the cable with a tough, flexible, protective covering which can withstand stresses reasonably expected in normal installation and service.

(2) The jacket shall be free from holes, splits, blisters, or other imperfections and shall be as smooth and concentric as is consistent with the best commercial practice.

(3) The raw material used for the cable jacket shall be one of the following four types:

(i) Type PVC–55554EOXO in accordance with ASTM D 2287–81(1988);

(ii) Type PVC–65554EOXO in accordance with ASTM D 2287–81(1988);

(iii) Type PVC–55556EOXO in accordance with ASTM D 2287–81(1988); or

(iv) Type PVC–66554EOXO in accordance with ASTM D 2287–81(1988).

(4) The jacketing material removed from or tested on the cable shall be capable of meeting the following performance requirements:

Property	Jacket performance
Tensile Strength-Unaged Minimum, MPa (psi)	13.8 (2000)
Ultimate Elongation-Unaged Minimum, Percent (%)	200
Tensile Strength-Aged Minimum, % of original value	80
Ultimate Elongation-Aged Minimum, % of original value	50
Impact Failures, Maximum	2/10

(5) *Testing procedures.* The procedures for testing the jacket samples for compliance with paragraph (g)(4) of this section shall be as follows:

(i) *Tensile strength and ultimate elongation-unaged.* The test shall be performed in accordance with ASTM D 2633–82(1989), using a jaw separation speed of 50 mm/min (2 in./min).

Note: Quality assurance testing at a jaw separation speed of 500 mm/min (20 in./min) is permissible. Failures at this rate shall be retested at the 50 mm/min (2 in./min) rate to determine specification compliance.

(ii) *Tensile strength and ultimate elongation-aged.* The test shall be performed in accordance with paragraph (g)(5)(i) of this section after being aged for 7 days at a temperature of 100±1 °C in a circulating air oven conforming to ASTM D 2436–85.

(iii) *Impact.* The test shall be performed in accordance with ASTM D 4565–90a using an impact force of 4 newton-meter (3 pound force-foot) at a temperature of −10±1 °C. The cylinder shall strike the sample at the shield overlap. A crack or split in the jacket constitutes failure.

(6) *Jacket thickness.* The nominal jacket thickness shall be as specified in the following table. The test method used shall be either the End Sample Method (paragraph (g)(6)(i) of this section) or the Continuous Uniformity Thickness Gauge Method (paragraph (g)(6)(ii) of this section):

No. of pairs	Nominal jacket thickness mm (in.)
25 or less	1.4 (0.055)
50	1.5 (0.060)
100	1.7 (0.065)
200	1.9 (0.075)
300	2.2 (0.085)
400	2.4 (0.095)
600	2.9 (0.115)
800 and over	3.3 (0.130)

(i) *End sample method.* The jacket shall be capable of meeting the following requirements:

Minimum Average Thickness—90% of nominal thickness

Minimum Thickness—70% of nominal thickness

(ii) *Continuous uniformity thickness gauge method.* (A) The jacket shall be capable of meeting the following requirements:

Minimum Average Thickness—90% of nominal thickness

Minimum (Min.) Thickness—70 % of nominal thickness

Maximum (Max.) Eccentricity—55%

Eccentricity=Max. Thickness—Min. Thickness (Average Thickness)×100

(B) *Maximum and minimum thickness values.* The maximum and minimum thickness values shall be based on the average of each axial section.

(7) The color of the jacket shall be either black or dark grey in conformance with the Munsell Color System specified in ASTM D 1535–89.

(8) There shall be no water or other contaminants in the finished cable which would have a detrimental effect on its performance or its useful life.

(h) *Electrical requirements*—(1) *Mutual capacitance and conductance.* (i) The average mutual capacitance (corrected for length) of all pairs in any reel shall not exceed the following when tested in accordance with ASTM D 4566–90 at a frequency of 1.0± 0.1 kilohertz (kHz) and a temperature of 23±3°C:

Number of cable pairs	Mutual capacitance	
	Nanofarad/kilometer	(Nanofarad/mile)
12	52±4	(83±7)
Over 12	52±2	(83±4)

(ii) The root mean square (rms) deviation of the mutual capacitance of all pairs from the average mutual capacitance of that reel shall not exceed 3.0 % when calculated in accordance with ASTM D 4566–90.

(iii) The mutual conductance (corrected for length and gauge) of any pair shall not exceed 3.7 micromhos/kilometer (micromhos/km) (6.0 micromhos/mile) when tested in accordance with ASTM D 4566–90 at a frequency of 1.0±0.1 kHz and a temperature of 23±3°C.

(2) *Pair-to-pair capacitance unbalance.* The capacitance unbalance as measured on the completed cable shall not exceed 45.3 picofarad/kilometer (pF/km) (25 picofarad/1000 ft (pF/1000 ft)) rms when tested in accordance with ASTM D 4566–90 at a frequency of 1.0±0.1 kHz and a temperature of 23±3°C.

(3) *Pair-to-ground capacitance unbalance.* (i) The average capacitance unbalance as measured on the completed cable shall not exceed 574 pF/km (175 pF/1000 ft) when tested in accordance with ASTM D 4566–90 at a frequency of 1 0.1 kHz and a temperature of 23±3°C.

(ii) When measuring pair-to-ground capacitance unbalance all pairs except the pair under test are grounded to the shield except when measuring cable containing super-units in which case all other pairs in the same super-unit shall be grounded to the shield.

(iii) Pair-to-ground capacitance unbalance may vary directly with the length of the cable.

(4) *Crosstalk loss.* (i) The rms output-to-output far-end crosstalk loss (FEXT) measured on the completed cable in accordance with ASTM D 4566–90 at a test frequency of 150 kHz shall not be less than 68 decibel/kilometer (dB/km) (73 decibel/1000 ft (dB/1000 ft)). The rms calculation shall be based on the combined total of all adjacent and alternate pair combinations within the same layer and center to first layer pair combinations.

(ii) The FEXT crosstalk loss between any pair combination of a cable shall not be less than 58 dB/km (63 dB/1000 ft) at a frequency of 150 kHz. If the loss K_o at a frequency F_o for length L_o is known, then K_x can be determined for any other frequency F_x or length L_x by:

$$\text{FEXT loss}\,(K_x) = K_o - 20\log 10\frac{F_x}{F_o} - 10\log 10\frac{L_x}{L_o}$$

(iii) The near-end crosstalk loss (NEXT) as measured within and between units of a completed cable in accordance with ASTM D 4566–90 at a frequency of 772 kHz shall not be less than the following mean minus sigma (M–S) crosstalk requirement for any unit within the cable:

Unit size	M–S decibel (dB)
Within Unit:	
12 and 13 pairs	56
18 and 25 pairs	60
Between Unit:	
Adjacent 13 pairs	65
Adjacent 25 pairs	66
Nonadjacent (all)	81

Where M–S is the Mean near-end coupling loss based on the combined total of all pair combinations, less one Standard Deviation, Sigma, of the mean value.

(5) *Insulation resistance.* Each insulated conductor in each length of completed cable, when measured with all other insulated conductors and the shield grounded, shall have an insulation resistance of not less than 152 megohm-kilometer (500 megohm-mile) at 20±1°C. The measurement shall be made in accordance with the procedures of ASTM D 4566–90.

(6) *High voltage test.* (i) In each length of completed cable, the dielectric strength of the insulation between conductors shall be tested in accordance with ASTM D 4566–90 and shall withstand, for 3 seconds, a direct current (dc) potential whose value is not less than:

(A) 3.6 kilovolts for 22-gauge conductors; or

(B) 3.0 kilovolts for 24-gauge conductors.

(ii) In each length of completed cable, the dielectric strength between the shield and all conductors in the core shall be tested in accordance with ASTM D 4566–90 and shall withstand, for 3 seconds, a dc potential whose value is not less than 10 kilovolts.

(7) *Conductor resistance.* The dc resistance of any conductor shall be measured in the completed cable in accordance with ASTM D 4566–90 and shall not exceed the following values when measured at or corrected to a temperature of 20±1°C:

AWG	Maximum resistance	
	ohms/kilometer	(ohms/1000 ft)
22	60.7	(18.5)
24	95.1	(29.0)

(8) *Resistance unbalance.* (i) The difference in dc resistance between the two conductors of a pair in the completed cable shall not exceed the values listed in this paragraph when measured in accordance with the procedures of ASTM D 4566–90:

AWG	Resistance unbalance	Maximum for any reel
	Average percent	Individual pair percent
22	1.5	4.0
24	1.5	5.0

(ii) The resistance unbalance between tip and ring conductors shall be random with respect to the direction of unbalance. That is, the resistance of the tip conductors shall not be consistently higher with respect to the ring conductors and vice versa.

(9) *Electrical variations.* (i) Pairs in each length of cable having either a ground, cross, short, or open circuit condition shall not be permitted.

(ii) The maximum number of pairs in a cable which may vary as specified in paragraph (h)(9)(iii) of this section from the electrical parameters given in this section are listed in this paragraph. These pairs may be excluded from the arithmetic calculation:

Nominal pair count	Maximum No. of pairs with allowable electrical variation
12–100	1
101–300	2
301–400	3
401–600	4
601 and above	6

(iii) *Parameter variations*—(A) *Capacitance unbalance-to-ground.* If the cable fails either the maximum individual pair or average capacitance unbalance-to-ground requirement and all individual pairs are 3280 pF/km (1000 pF/1000 ft) or less the number of pairs specified in paragraph (h)(9)(ii) of this section may be eliminated from the average and maximum individual calculations.

(B) *Resistance unbalance.* Individual pair of not more than 7 percent for all gauges.

(C) *Far end crosstalk.* Individual pair combination of not less than 52 dB/km (57 dB/1000 ft).

Note: REA recognizes that in large pair count cables (600 pair and above) a cross, short, or open circuit condition occasionally may develop in a pair which does not affect the performance of the other cable pairs. In these circumstances rejection of the entire cable may be economically unsound or repairs may be impractical. In such circumstances the manufacturer may desire to negotiate with the customer for acceptance of the cable. No more than 0.5 percent of the pairs may be involved.

(i) *Mechanical requirements*—(1) *Cable cold bend test.* The completed cable shall be capable of meeting the requirements of ASTM D 4565–90a after conditioning at −20 ± 2 °C except the mandrel diameters shall be as specified below:

Cable outside diameter	Mandrel diameter
<40 mm (1.5 in.)	15x
≥40 mm (1.5 in.)	20x

(2) *Cable flame test.* The completed cable shall be capable of meeting a maximum flame height of 3.7 m (12.0 ft) when tested in accordance with Underwriters Laboratories (UL) 1666 dated January 22, 1991.

(3) *Cable listing.* All cables manufactured to the specification of this section at a minimum shall be listed as Communication Riser Cable (Type CMR) in accordance with Sections 800–50 and 800–51(b) of the 1993 National Electrical Code.

(j) *Sheath slitting cord* (optional). (1) Sheath slitting cords may be used in the cable structure at the option of the manufacturer.

(2) When a sheath slitting cord is used it shall be nonhygroscopic and nonwicking, continuous throughout a length of cable, and of sufficient strength to open the sheath without breaking the cord.

(3) Sheath slitting cords shall be capable of consistently slitting the jacket and/or shield for a continuous length of 0.6 m (2 ft) when tested in accordance with the procedure specified in Appendix B of this section.

(k) *Identification marker and length marker.* (1) Each length of cable shall be permanently identified as to manufacturer and year of manufacture

(2) The number of conductor pairs and their gauge size shall be marked on the jacket.

(3) The marking shall be printed on the jacket at regular intervals of not more than 1.5 m (5 ft).

(4) An alternative method of marking may be used if accepted by REA prior to its use.

(5) The completed cable shall have sequentially numbered length markers in FEET OR METERS at regular intervals of not more than 1.5 m (5 ft) along the outside of the jacket.

(6) The method of length marking shall be such that for any single length of cable, continuous sequential numbering shall be employed.

(7) The numbers shall be dimensioned and spaced to produce good legibility and shall be approximately 3 mm (0.125 in.) in height. An occasional illegible marking is permissible if there is a legible marking located not more than 1.5 m (5 ft) from it.

(8) The method of marking shall be by means of suitable surface markings producing a clear, distinguishable, contrasting marking acceptable to REA. Where direct or transverse printing is employed, the characters should be indented to produce greater durability of marking. Any other method of length marking shall be acceptable to REA as producing a marker suitable for the field. Size, shape and spacing of numbers, durability, and overall legibility of the marker shall be considered in acceptance of the method.

(9) The accuracy of the length marking shall be such that the actual length of any cable section is never less than the length indicated by the marking and never more than one percent greater than the length indicated by the marking.

(10) The color of the initial marking for a black colored jacket shall be either white or silver. The color of the initial marking for a dark grey colored jacket shall be either red or black. If the initial marking of the black colored jacket fails to meet the requirements of the preceding paragraphs, it will be permissible to either remove the defective marking and re-mark with the white or silver color or leave the defective marking on the cable and re-mark with yellow. If the initial marking of the dark grey colored jacket fails to meet the requirements of the preceding paragraphs, it will be permissible to either remove the defective marking and re-mark with the red or black color or leave the defective marking on the cable and re-mark with yellow. No further re-marking is permitted. Any re-marking shall be on a different portion of the cable circumference than any existing marking when possible and have a numbering sequence differing from any other existing marking by at least 5,000.

(11) Any reel of cable which contains more than one set of sequential markings shall be labeled to indicate the color and sequence of marking to be used. The labeling shall be applied to the reel and also to the cable.

(l) *Preconnectorized cable* (optional). (1) At the option of the manufacturer and upon request by the purchaser, cables 100 pairs and larger may be factory terminated in 25 pair splicing modules.

(2) The splicing modules shall meet the requirements of REA Bulletin 345–54, PE–52, REA Specification for Telephone Cable Splicing Connectors (Incorporated by Reference at § 1755.97), and be accepted by REA prior to their use.

(m) *Acceptance testing and extent of testing.* (1) The tests described in Appendix A of this section are intended for acceptance of cable designs and major modifications of accepted designs. REA decides what constitutes a major modification. These tests are intended to show the inherent capability of the manufacturer to produce cable products having long life and stability.

(2) For initial acceptance, the manufacturer shall submit:

(i) An original signature certification that the product fully complies with each section of the specification;

(ii) Qualification Test Data, per Appendix A of this section;

(iii) To periodic plant inspections;

(iv) A certification that the product does or does not comply with the domestic origin manufacturing provisions of the "Buy American" requirements of the Rural Electrification Act of 1938 (7 U.S.C. 901 *et seq.*);

(v) Written user testimonials concerning performance of the product; and

(vi) Other nonproprietary data deemed necessary by the Chief, Outside Plant Branch (Telephone).

(3) For requalification acceptance, the manufacturer shall submit an original signature certification that the product fully complies with each section of the specification, excluding the Qualification Section, and a certification that the product does or does not comply with the domestic origin manufacturing provisions of the "Buy American" requirements of the Rural Electrification Act of 1938 (7 U.S.C. 901 *et seq.*) for acceptance by June 30 every three years. The required data and certification shall have been gathered within 90 days of the submission.

(4) Initial and requalification acceptance requests should be addressed to: Chairman, Technical Standards Committee "A" (Telephone), Telecommunications Standards Division, Rural Electrification Administration, Washington, DC 20250–1500.

(5) *Tests on 100 percent of completed cable.* (i) The shield of each length of cable shall be tested for continuity using the procedures of ASTM D 4566–90.

(ii) Dielectric strength between all conductors and the shield shall be tested to determine freedom from grounds in accordance with paragraph (h)(6)(ii) of this section.

(iii) Each conductor in the completed cable shall be tested for continuity using the procedures of ASTM D 4566–90.

(iv) Dielectric strength between conductors shall be tested to ensure freedom from shorts and crosses in accordance with paragraph (h)(6)(i) of this section.

(v) Each conductor in the completed preconnectorized cable shall be tested for continuity.

(vi) Each length of completed preconnectorized cable shall be tested for split pairs.

(vii) The average mutual capacitance shall be measured on all cables. If the average mutual capacitance for the first 100 pairs tested from randomly selected groups is between 50 and 53 nF/km (80 to 85 nF/mile), the remainder of the pairs need not to be tested on the 100 percent basis. (See paragraph (h)(1) of this section).

(6) *Capability tests.* Tests on a quality assurance basis shall be made as frequently as is required for each manufacturer to determine and maintain compliance with:

(i) Performance requirements for conductor insulation and jacket material;

(ii) Bonding properties of coated or laminated shielding materials;

(iii) Sequential marking and lettering;

(iv) Capacitance unbalance and crosstalk;

(v) Insulation resistance;

(vi) Conductor resistance and resistance unbalance;

(vii) Cable cold bend and cable flame tests; and

(viii) Mutual conductance.

(n) *Summary of records of electrical and physical tests.* (1) Each manufacturer shall maintain a suitable summary of records for a period of at least 3 years for all electrical and physical tests required on completed cable by this section as set forth in paragraphs (m)(5) and (m)(6) of this section. The test data for a particular reel shall be in a form that it may be

readily available to the purchaser or to REA upon request.

(2) Measurements and computed values shall be rounded off to the number of places of figures specified for the requirement according to ASTM E 29–90.

(o) *Manufacturing irregularities.* (1) Repairs to the shield are not permitted in cable supplied to the end user under this section.

(2) No repairs or defects in the jacket are allowed.

(p) *Preparation for shipment.* (1) The cable shall be shipped on reels unless otherwise specified or agreed to by the purchaser. The diameter of the drum shall be large enough to prevent damage to the cable from reeling or unreeling. The reels shall be substantial and so constructed as to prevent damage to the cable during shipment and handling.

(2) A waterproof corrugated board or other means of protection acceptable to REA shall be applied to the reel and shall be suitably secured in place to prevent damage to the cable during storage and shipment.

(3) The outer end of the cable shall be securely fastened to the reel head so as to prevent the cable from becoming loose in transit. The inner end of the cable shall be securely fastened in such a way as to make it readily available if required for electrical testing. Spikes, staples, or other fastening devices which penetrate the cable jacket shall not be used. The method of fastening the cable ends shall be accepted by REA prior to it being used.

(4) Each length of cable shall be wound on a separate reel unless otherwise specified or agreed to by the purchaser.

(5) The arbor hole shall admit a spindle 63 mm (2.5 in.) in diameter without binding. Steel arbor hole liners may be used but shall be acceptable to REA prior to their use.

(6) Each reel shall be plainly marked to indicate the direction in which it should be rolled to prevent loosening of the cable on the reel.

(7) Each reel shall be stenciled or labeled on either one or both sides with the name of the manufacturer, year of manufacture, actual shipping length, an inner and outer end sequential length marking, description of the cable, reel number and the REA cable designation:

Cable Designation

CT
Cable Construction
Pair Count
Conductor Gauge
A = Coated Aluminum Shield
P = Preconnectorized Cable
Example: CTAP 100–22

Terminating Cable, Coated Aluminum Shield, Preconnectorized, 100 pairs, 22 AWG.

(8) When preconnectorized cable is shipped, the splicing modules shall be protected to prevent damage during shipment and handling. The protection method shall be acceptable to REA prior to its use.

Appendix A to 7 CFR 1755.870—Qualification Test Methods

(I) The test procedures described in this appendix are for qualification of initial designs and major modifications of accepted designs. Included in paragraph (V) of this appendix are suggested formats that may be used in submitting test results to REA.

(II) *Sample Selection and Preparation.* (1) All testing shall be performed on lengths removed sequentially from the same 25 pair, 22 gauge jacketed cable. This cable shall not have been exposed to temperatures in excess of 38 °C since its initial cool down after sheathing. The lengths specified are minimum lengths and if desirable from a laboratory testing standpoint longer lengths may be used.

(a) Length A shall be 12 ± 0.2 meters (40 ± 0.5 feet) long. Prepare the test sample by removing the jacket, shield, and core wrap for a sufficient distance on both ends to allow the insulated conductors to be flared out. Remove sufficient conductor insulation so that appropriate electrical test connections can be made at both ends. Coil the sample with a diameter of 15 to 20 times its sheath diameter. Two lengths are required.

(b) Length B shall be 300 millimeters (1 foot) long. Three lengths are required.

(c) Length C shall be 3 meters (10 feet) long and shall be maintained at 23 ± 3 °C for the duration of the test. Two lengths are required.

(2) *Data Reference Temperature.* Unless otherwise specified, all measurements shall be made at 23 ± 3 °C.

(III) *Environmental Tests*—(1) *Heat Aging Test*—(a) *Test Samples.* Place one sample each of lengths A and B in an oven or environmental chamber. The ends of sample A shall exit from the chamber or oven for electrical tests. Securely seal the oven exit holes.

(b) *Sequence of Tests.* Sample B referenced in paragraph (III)(1)(a) of this appendix shall be subjected to the insulation compression test outlined in paragraph (III)(2) of this appendix.

(c) *Initial Measurements.* (i) For sample A, measure the open circuit capacitance and conductance for each odd pair at 1, 150, and 772 kilohertz after conditioning the sample at the data reference temperature for 24 hours. Calculate the average and standard deviation for the data of the 13 pairs on a per kilometer (per mile) basis.

(ii) Record on suggested formats in paragraph (V) of this appendix or on other easily readable formats.

(d) *Heat Conditioning.* (i) Immediately after completing the initial measurements, condition the sample for 14 days at a temperature of 65 ± 2 °C.

(ii) At the end of this period. Measure and calculate the parameters given in paragraph (III)(1)(c) of this appendix. Record on suggested formats in paragraph (V) of this appendix or on other easily readable formats.

(e) *Overall Electrical Deviation.* (i) Calculate the percent change in all average parameters between the final parameters after conditioning with the initial parameters in paragraph (III)(1)(c) of this appendix.

(ii) The stability of the electrical parameters after completion of this test shall be within the following prescribed limits:

(A) *Capacitance.* The average mutual capacitance shall be within 10 percent of its original value;

(B) The change in average mutual capacitance shall be less than 10 percent over the frequency range of 1 to 150 kilohertz; and

(C) *Conductance.* The average mutual conductance shall not exceed 3.7 micromhos/kilometer (6 micromhos/mile) at a frequency of 1 kilohertz.

(2) *Insulation Compression Test*—(a) *Test Sample B.* Remove jacket, shield, and core wrap being careful not to damage the conductor insulation. Remove one pair from the core and carefully separate and straighten the insulated conductors. Retwist the two insulated conductors together under sufficient tension to form 10 evenly spaced 360 degree twists in a length of 100 millimeters (4 inches).

(b) *Sample Testing.* Center the mid 50 millimeters (2 inches) of the twisted pair between two smooth rigid parallel metal plates measuring 50 millimeters (2 inches) in length or diameter. Apply a 1.5 volt direct current potential between the conductors, using a light or buzzer to indicate electrical contact between the conductors. Apply a constant load of 67 newtons (15 pound-force) on the sample for one minute and monitor for evidence of contact between the conductors. Record results on suggested formats in paragraph (V) of this appendix or on other easily readable formats.

(3) *Temperature Cycling.* (a) Repeat paragraphs (III)(1)(a) through (III)(1)(c)(ii) of this appendix for a separate set of samples A and B which have not been subjected to prior environmental conditioning.

(b) Immediately after completing the measurements, subject the test samples to 10 cycles of temperature between −40 °C and +60 °C. The test samples shall be held at each temperature extreme for a minimum of 1.5 hours during each cycle of temperature. The air within the temperature cycling chamber shall be circulated throughout the duration of the cycling.

(c) Repeat paragraphs (III)(1)(d)(ii) through (III)(2)(b) of this appendix.

(IV) *Control Sample*—(1) *Test Samples.* One length of sample B shall have been maintained at 23 ± 3 °C for at least 48 hours before the testing.

(2) Repeat paragraphs (III)(2) through (III)(2)(b) of this appendix.

(3) *Surge Test.* (a) One length of sample C shall be used to measure the breakdown between conductors while the other length of C shall be used to measure core to shield breakdown.

(b) The samples shall be capable of withstanding, without damage, a single surge voltage of 20 kilovolts peak between conductors, and 35 kilovolts peak between

conductors and the shield as hereinafter described. The surge voltage shall be developed from a capacitor discharge through a forming resistor connected in parallel with the dielectric of the test sample. The surge generator constants shall be such as to produce a surge of 1.5 × 40 microseconds wave shape.

(c) The shape of the generated wave shall be determined at a reduced voltage by connecting an oscilloscope across the forming resistor with the cable sample connected in parallel with the forming resistor. The capacitor bank is charged to the test voltage and then discharged through the forming resistor and test sample. The test sample shall be considered to have passed the test if there is no distinct change in the wave shape obtained with the initial reduced voltage compared to that obtained after the application of the test voltage.

(V) The following suggested formats may be used in submitting the test results to REA·

Environmental Conditioning _____

FREQUENCY 1 KILOHERTZ

Pair No.	Capacitance nF/km (nF/mile)		Conductance micromhos/km (micromhos/mile)	
	Initial	Final	Initial	Final
1				
3				
5				
7				
9				
11				
13				
15				
17				
19				
21				
23				
25				
Average $\bar{x}$				
Overall Percent Difference in Average $\bar{x}$				

Environmental Conditioning _____

FREQUENCY 150 KILOHERTZ

Pair No.	Capacitance nF/km (nF/mile)		Conductance micromhos/km (micromhos/mile)	
	Initial	Final	Initial	Final
1				
3				
5				
7				
9				
11				
13				
15				
17				
19				
21				
23				
25				
Average $\bar{x}$				
Overall Percent Difference in Average $\bar{x}$				

Environmental Conditioning _____

FREQUENCY 772 KILOHERTZ

Pair No.	Capacitance nF/km (nF/mile)		Conductance micromhos/km (micromhos/mile)	
	Initial	Final	Initial	Final
1				
3				
5				
7				
9				
11				
13				

FREQUENCY 772 KILOHERTZ—Continued

Pair No.	Capacitance nF/km (nF/mile)		Conductance micromhos/km (micromhos/mile)	
	Initial	Final	Initial	Final
15				
17				
19				
21				
23				
25				
Average $\bar{x}$				
Overall Percent Difference in.				
Average $\bar{x}$				

	Failures
Insulation Compression:	
Control	
Heat Age	
Temperature Cycling	
Surge Test (kilovolts):	
Conductor-to-Conductor	
Shield-to-Conductors	

Appendix B to 7 CFR 1755.870—Sheath Slitting Cord Qualification

(I) This test procedure described in this appendix is for qualification of initial and subsequent changes in sheath slitting cords.

(II) *Sample selection.* All testing shall be performed on two 1.2 m (4 ft) lengths of cable removed sequentially from the same 25 pair, 22 gauge jacketed cable. This cable shall not have been exposed to temperatures in excess of 38 °C since its initial cool down after sheathing.

(III) *Test procedure.* (1) Using a suitable tool, expose enough of the sheath slitting cord to permit grasping with needle nose pliers.

(2) The prepared test specimens shall be maintained at a temperature of 23 ± 1 °C for at least 4 hours immediately prior to and during the test.

(3) Wrap the sheath slitting cord around the plier jaws to ensure a good grip.

(4) Grasp and hold the cable in a convenient position while gently and firmly pulling the sheath slitting cord longitudinally in the direction away from the cable end. The angle of pull may vary to any convenient and functional degree. A small starting notch is permissible.

(5) The sheath slitting cord is considered acceptable if the cord can slit the jacket and/or shield for a continuous length of 0.6 m (2 ft) without breaking the cord.

Dated: June 2, 1994.

Bob J. Nash,

Under Secretary, Small Community and Rural Development.

[FR Doc. 94–14338 Filed 6–13–94; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

[INS No. 1384–92; AG ORDER NO. 1893–94]

RIN 1115–AD18

Adjustment to the Examinations Fee Schedule

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adjusts the Immigration and Naturalization Service (INS) Examinations Fee schedule. The increases are necessary to generate sufficient revenue to recover the costs of providing adjudication and naturalization services. This rule ensures that funds will be available to continue providing services to users while keeping increases as small as possible.

EFFECTIVE DATE: July 14, 1994.

FOR FURTHER INFORMATION CONTACT: Donald L. Lowry, Staff Accountant, Fee Analysis and Operations Branch, Office of Finance; Immigration and Naturalization Service; 425 I Street, NW.; room 6240; Washington, DC 20536–0002; telephone 202–616–2754.

SUPPLEMENTARY INFORMATION:

I. Introduction

The INS published a proposed rule on January 10, 1994, at 59 FR 1308, to adjust the current Examinations Fee schedule. The proposed rule was initially published with a 30-day comment period. To ensure that the public had ample opportunity to review and comment on the proposed rule, the comment due date was extended from February 9, 1994 to March 11, 1994 (59 FR 5740, Feb. 8, 1994).

The fee adjustment is needed to comply with specific Federal immigration laws and the Federal user fee statute and regulations, which require the recipients of special benefits from Government services that are not directed to the public at large to bear the costs to the Government of providing those services. The fees amended in this rule result from an analysis of adjudication and naturalization services and associated costs for fiscal year 1993 and projected costs for fiscal year 1994. The revised fees are calculated to recover the costs of providing these special services and benefits.

Comments were received from 77 commenters, including 46 performing arts organizations, 15 agricultural organizations, 7 employers, 3 attorney organizations, 3 individual attorneys, 2 voluntary service organizations, and 1 member of Congress. The Department carefully considered all comments before preparing this final rule. Following is a discussion of the comments.

II. Summary of Comments

A. Petition for a Nonimmigrant Worker (Form I–129)

Sixty-six commenters, largely performing arts organizations and agricultural organizations, expressed dissatisfaction with the proposed fee schedule for the Petition for a Nonimmigrant Worker (Form I–129). The commenters opposed increasing the minimum fee from $80 ($70 base fee plus $10 fee per beneficiary) to $120 and the per worker fee from $10 to $20. Fifteen of these same commenters questioned the justification for assessing a per-worker fee for petitions with multiple unnamed beneficiaries.

In response to the public's comments, INS is making the following changes: Petitioners with multiple unnamed beneficiaries will no longer be assessed any per worker fee, and the base fee will increase from $70 to $75. The $5 increase is consistent with the general 7.5 percent increase to the current fee schedule, which was discussed in the notice of proposed rule.

On January 11, 1994, INS promulgated a final rule, 59 FR 1455, which allows a worker's dependents to be included in a petitioner's request for an extension of stay or change of status, where there is only one worker in the petition. That provision will go into effect at the time the form providing for this process becomes available. This rule sets a fee of $10 for each dependent included on an extension of stay or change of status request. Dependents of beneficiaries covered by multiple worker petitions must continue to file requests for an extension of stay or change of status on an Application to Extend/Change Nonimmigrant Status (Form I–539).

Accordingly, the new fee structure for the Petition for a Nonimmigrant Worker will be as follows:

Petition With Unnamed Beneficiaries

–Fee of $75 per petition.

Petition With Named Beneficiaries

–Base fee of $75 per petition plus either:
–$10 per worker if requesting consulate or port-of-entry notification for visa issuance or admission;
–$80 per worker if requesting a change of status; or
–$50 per worker if requesting an extension of stay. If filing an extension of stay or change of status for one worker, dependents may be included for a fee of $10 per dependent.

Two additional comments related to I–129 processing were received. One commenter stated that the current procedure includes Consulate or port-of-entry notification for visa issuance or admission purposes and the proposed procedure does not discuss this notification. The commenter questioned whether notification would continue. This rule amends only the Examination Fee schedule and does not change existing procedures; as noted above, this notification will continue.

One commenter also questioned the procedural change related to the $10 fee for each dependent of a beneficiary worker. The commenter stated that the beneficiary worker may be transferred to the United States several months in advance of that person's family members and questioned whether this delay between the two dates would present a problem for Consulate or port-of-entry processing.

Again, this rule only sets the fee for dependents included on an extension of stay or change of status request. The final rule promulgated at 59 FR 1455 provides for dependents to be included in a request for an extension of stay or change of status. An original petition is granted solely on behalf of the worker; the consular officer issues visas to dependents separately. Accordingly, the commenter's concerns are unfounded.

B. Application for Employment Authorization (Form I–765)

One commenter objected to the $10 increase for the employment authorization document (EAD). The commenter stated that EADs for asylum applicants are valid for only 6 months and that it is unfair and unreasonable to require an asylum applicant and dependent family members to pay a $70 fee every 6 months. The commenter suggests that if EAD cards were renewed for a significant period of time, such an increase would not be an unfair burden on the applicant.

The increase in the EAD fee is necessary to recover the costs of adjudicating the application. Under 8 CFR 208.7, an interim EAD for an asylum applicant may be granted for a period not to exceed 1 year. Although INS has the discretion to grant an EAD for a period of 6 months, most asylum EADs are valid for 1 year. Consequently, the situation described by the commenter should not arise frequently.

C. Application to Register Permanent Residence or Adjust Status (Form I–485)

One commenter objected to the $10 increase in fees for filing the I–485 and suggested a family ceiling on the fees charged. The commenter stated that the other costs associated with filing an I–485, such as the required physical examination, make the total costs prohibitive for a family.

The INS recognizes the commenter's concerns. However, it is not possible for INS to set a family ceiling and recover the costs of adjudicating applications through user fees, as required under section 286(m) of the Immigration and Nationality Act (INA). However, the fees for applicants under the age of 14 are $100, an increase of only $5. It should also be noted that fee waivers are available on a case-by-case basis, under 8 CFR § 103.7(c).

D. Application for Naturalization (N–400) and Application for Certificate of Citizenship (N–600)

One commenter criticized INS for increasing naturalization fees. The commenter opposed the increases stating that the income of many immigrant families is relatively low, that increased rates of naturalization are in our national interest, and that concerns about INS financial management and service delivery have yet to be resolved.

The INS recognizes the commenter's concern. However, as stated above, under section 286(m) of the INA, INS is required to recover the costs of adjudicating naturalization applications through user fees. Alternative revenue sources are not available. Increased naturalization fees are necessary to avoid applicants for other benefits paying higher fees to absorb the costs not recovered through the naturalization fees. In order to recover the costs, the naturalization fees must be increased.

E. Meaningful Opportunity To Comment on the Proposed Rule

One commenter stated that the public has been denied a meaningful opportunity to comment on the proposed rule because the proposed rule did not provide sufficient information to do so. The INS believes that sufficient information was provided in the proposed rule. Under the proposed rule, supporting documentation was available upon request and was provided to commenters who requested it. In addition, the comment period was extended an additional 30 days so that the public would have ample opportunity to fully review and comment on the proposed rule.

F. Indirect Costs Charged to the Examinations Fee Account

One commenter stated that certain functions in the legal proceedings program, such as adversary appearances, are not appropriately charged to the Examinations Fee Account. In 1992, INS performed a comprehensive review of the work that should be properly charged to the INS user fee accounts, and concluded that these legal costs are an appropriate and necessary expense of the adjudication and naturalization service process.

The same commenter stated that the proposed rule did not explain what management and administration (M&A) positions and functions are included in indirect costs, so that the commenter could not determine if they were appropriate. The proposed rule used the term management and administrative (M&A) in a descriptive sense. As commonly used, M&A refers to the costs of providing accounting, budget, personnel, equal employment opportunity, contracting and procurement, and general administration services. The proposed rule used the example of the costs of mail processing in discussing how the distribution-key concept works in allocating indirect costs among various accounts. From the example and from the general understanding of the term "M&A," INS believes that sufficient

information was given to allow a fair opportunity to comment on the appropriateness of charging M&A as indirect costs to the Examinations Fee Account.

G. Proportional Assignment of Indirect Costs to Each Examinations Fee

One commenter stated that INS did not explain why indirect costs are assigned in an "across-the-board" manner, rather than apportioning the indirect costs in the same ratio as the direct cost of the application. Various methods for allocating indirect costs exist; INS considers the current method to be reasonable. As INS continues to refine its fee structure, alternative allocation methodologies will be evaluated.

H. Plan to Improve Service

One commenter stated that the proposed rule did not discuss plans to improve service, such as expansion of INS service centers, elimination of backlogs, and acceleration of processing times.

Improvement efforts have been focused on processing more applications at the service centers and reducing the adjudicative work at the district offices. The expansion of centralized processing at the service centers is expected to result in expedited processing of routine cases. The district offices will retain adjudicative responsibilities for applications necessitating an interview or complex or unique adjudications where personal contact is necessary. The INS expects that staff will be shifted among district offices and service centers based on workload requirements.

Implementation of an automated system at district offices and continued improvement of that system for service center operations is also expected to improve productivity. This automated system, called CLAIMS, integrates many of the manual processes or discrete automated processes that adjudicators use now. The CLAIMS system is currently operational in the four INS service centers; in FY 1994, it will be installed at one district office. Plans for expansion to other sites and continued system enhancements are under constant review and dependent upon funding availability.

I. Fee Basis

One commenter stated that the proposed fees appear to be based on faulty or incomplete data and do not appear to be rationally related to the real work required to process any given application. As discussed in the proposed rule, INS examined the relevant costs of the Examinations Fee Account and computed the percentage revenue increase required to cover the costs, and that percentage, with limited exceptions, was applied to the existing fee schedule.

The INS also considered the feasibility of basing the proposed fees on 1992 costs measurements. The INS rejected this approach because of problems with 1992 data caused by the transition to a more automated system of productivity measurement. At this time, the current fee schedule, with specifically identified adjustments, reflects the best available data on costs, which is consistent with Office of Management and Budget and Department of Justice guidance. Future fee adjustments will reflect efforts to refine direct and indirect cost definitions and measurements.

The same commenter stated that the inclusion of inspection costs was not explained in the proposed rule. The costs of the Inspections program attributed to the Examinations Fee Account are exclusively related to examinations work performed by land border inspectors during periods in which they are not performing inspections. This allocation of adjudication workload to inspectors permits more efficient use of resources and results in reduced costs.

III. Fee Adjustments

The fee adjustments, as adopted in this rule, are shown in Exhibit 1.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule adjusts the current Examinations Fee schedule. Its financial impact on users of the services is small. In most cases, the fee increase is $5.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, because approximately 4 million people per annum will be assessed a user fee to recover the costs of providing adjudication and naturalization services.

Executive Order 12612

The regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12606

The Attorney General certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that it will not have a significant negative impact on family well-being.

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. Clearance numbers for these collections are contained in 8 CFR 299.5, Display of Control Numbers.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Forms, Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

Accordingly, part 103 chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552a; 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

2. Section 103.7, paragraph (b)(1) is amended by revising the entries listed to read as follows:

§ 103.7 Fees.

* * * * *

(b) * * *

(1) * * *

Form I–17. For filing an application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof—$140.

Form I–90. For filing an application for Alien Registration Receipt Card

(Form I–551) in lieu of an obsolete card or in lieu of one lost, mutilated or destroyed, or in a changed name—$75.

Form I–102. For filing an application (Form I–102) for Arrival-Departure Record (Form I–94) or Crewman's Landing (Form I–95), in lieu of one lost, mutilated, or destroyed—$65.

Form I–129. For filing a petition for a nonimmigrant worker—If a petition with unnamed beneficiaries, a fee of $75 per petition. If a petition with named beneficiaries, a base fee of $75 plus: —$10 per worker if requesting consulate or port-of-entry notification for visa issuance or admission; —$80 per worker if requesting a change of status; or —$50 per worker if requesting an extension of stay. If filing an extension of stay or change of status for one worker, dependents may be included for a fee of $10 per dependent.

* * * * *

Form I–130. For filing a petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act—$80.

Form I–131. For filing an application for issuance of reentry permit—$70.

Form I–140. For filing a petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act—$75.

* * * * *

Form I–192. For filing an application for discretionary relief under section 212(d)(3) of the Act, except, in an emergency case, or where the approval of the application is in the interest of the United States Government—$90.

Form I–193. For filing an application for waiver of passport and/or visa—$95.

Form I–212. For filing an application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation—$95.

* * * * *

Form I–360. For filing a petition for an Amerasian, Widow(er), or Special Immigrant—$80, except there is no fee for a petition seeking classification as an Amerasian.

Form I–485. For filing an application for permanent residence status or creation of a record of lawful permanent residence—$130 for an applicant 14 years of age or older; $100 for an applicant under the age of 14 years.

* * * * *

Form I–526. For filing a petition for an alien enterpreneur—$155.

* * * * *

Form I–539. For filing an application to extend or change nonimmigrant status—$75 plus $10 per coapplicant.

* * * * *

Form I–600. For filing a petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee will be required.)—$155.

Form I–600A. For filing an application for advance processing of orphan petition. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee will be required.—$155.

Form I–601. For filing an application for waiver of ground of excludability under section 212 (h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sub-sections.)—$95.

Form I–612. For filing an application for waiver of the foreign-residence requirement under section 212(e) of the Act—$95.

* * * * *

Form I–751. For filing a petition to remove the conditions on residence which is based on marriage—$80.

* * * * *

Form I–765. For filing an application for employment authorization pursuant to 8 CFR 274a.13—$70.

* * * * *

Form I–817. For filing an application for voluntary departure under the Family Unity Program—$80. The maximum amount payable by the members of a family filing their applications concurrently shall be $225.

* * * * *

Form N–300. For filing an application for declaration of intention—$75.

* * * * *

Form N–400. For filing an application for naturalization—$95. For filing an application for naturalization under section 405 of the Immigration Act of 1990, if the applicant will be interviewed in the Philippines—$120.

* * * * *

Form N–470. For filing an application for section 316(b) or 317 of the Act benefits—$115.

Form N–565. For filing an application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; for a certificate of citizenship in a changed name under section 343(b) or (d) of the Act; or for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act—$65.

Form N–600. For filing an application for certificate of citizenship under section 309(c) or section 341 of the Act—$100.

Form N–643. For filing an application for a certificate of citizenship on behalf of an adopted child—$80.

Form N–644. For filing an application for posthumous citizenship—$80.

* * * * *

Dated: June 8, 1994.

Janet Reno,

Attorney General.

Exhibit 1

Note: The following exhibit will not appear in the Code of Federal Regulations.

EXAMINATIONS FEE ACCOUNT

[Revised Fees]

Form No.	Form name/description	Fee
I–17	Petition for Approval of School for Attendance by Nonimmigrant Students	$140
I–90	Application to Replace Alien Registration Card	75
I–102	Application for Replacement/Initial Nonimmigrant Arrival Departure Document	65
I–129	Petition for a Nonimmigrant Worker	See below.[1]
I–129F	Petition for Alien Finance(e)	75
I–130	Petition for Alien Relative	80
I–131	Application for Travel Document	70
I–140	Immigrant Petition for Alien Worker	75
I–191	Application for Advance Permission to Return to Unrelinquished Domicile	90
I–192	Application for Advance Permission to Enter as Nonimmigrant	90
I–193	Application for Waiver of Passport and/or Visa	95

EXAMINATIONS FEE ACCOUNT—Continued

[Revised Fees]

Form No.	Form name/description	Fee
I–212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	95
I–360	Petition for Amerasian, Widow(er), or Special Immigrant (except for a petition seeking classification as an Amerasian in which case the fee is waived).	80
I–485	Application to Register Permanent Residence or Adjust Status:	
	If 14 years of age or older	130
	If under 14 years of age	100
I–526	Immigrant Petition by Alien Entrepreneur	155
I–539	Application to Extend/Change Nonimmigrant Status	75 plus 10 per coapplicant.
I–600	Petition to Classify Orphan as an Immediate Relative	155
I–600A	Application for Advance Processing of Orphan Petition	155
I–601	Application for Waiver of Grounds of Excludability	95
I–612	Application for Waiver of the Foreign Residence Requirement	95
I–751	Petition to Remove the Condition on Residence	80
I–765	Application for Employment Authorization	70
I–817	Application for Voluntary Departure Under Family Unity Program	80
N–300	Application to File Declaration of Intention	75
N–400	Application for Naturalization	95
N–470	Application to Preserve Residence for Naturalization Purposes	115
N–565	Application for Replacement Naturalization/Citizenship Document	65
N–600	Application for Certificate of Citizenship	100
N–643	Application for Certificate of Citizenship in Behalf of an Adopted Child	80
N–644	Application for Posthumous Citizenship	80

[1] *Petition with Unnamed Beneficiaries:*
—Fee of $75 per petition.
Petition with Named Beneficiaries:
—Base fee of $75 per petition plus either:
—$10 per worker if requesting consulate or port-of-entry notification for visa issuance or admission;
—$80 per worker if requesting a change of status; or
—$50 per worker if requesting an extension of stay. If filing an extension of stay or change of status for one worker, dependents may be included for a fee of $10 per dependent.

[FR Doc. 94–14441 Filed 6–13–94; 8:45 am]
BILLING CODE 4410–01–M

Office of the Attorney General

28 CFR Part 65

[INS No. 1449–92; AG Order No. 1892–94]
RIN 1115–AD40

Emergency Federal Law Enforcement Assistance: Immigration Emergency Fund

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule implements provisions in the Immigration and Nationality Act that establish an "Immigration Emergency Fund" and that provide for assistance to States and local governments for services provided, at the request of the Attorney General, to meet an immigration emergency declared by the President, to aid in the administration of the immigration laws of the United States, or to meet urgent demands arising from the presence of aliens in a State or local jurisdiction. This rule sets forth procedures governing: Requests for a Presidential declaration of an immigration emergency; requests from the Attorney General for state or local government assistance when the President has declared an immigration emergency and in certain other circumstances; and applications from States and local governments for assistance from the Immigration Emergency Fund.

EFFECTIVE DATE: June 14, 1994.

FOR FURTHER INFORMATION CONTACT: Michael J. Coster, Associate General Counsel, Immigration and Naturalization Service, 425 I Street, NW., room 6100, Washington, DC 20536, telephone (202) 514–2895.

SUPPLEMENTARY INFORMATION: The Department of Justice ("Department") promulgated a proposed rule on January 14, 1992, 57 FR 1439, which set forth procedures and requirements for reimbursement from the Immigration Emergency Fund to States and localities for assistance provided in the absence of a Presidential determination that an immigration emergency exists under paragraph (b)(2) of section 404 of the Immigration and Nationality Act ("INA"), 8 U.S.C. 1101, note (b)(2). After receiving several comments, the rule was expanded and amended significantly, and the Department promulgated another proposed rule on November 5, 1993, 58 FR 58994. The proposed rule set forth procedures and requirements for reimbursement from the Immigration Emergency Fund to States and local governments under all the provisions of section 404(b) of the INA as required by section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, Public Law 102–140, 105 Stat. 782, 832. The Supplementary Information section of the publication at 58 FR 58994 contains an exhaustive history of the legislation.

The second proposed rule originally required written comments to be submitted by December 6, 1993. On January 5, 1994, at 59 FR 558, the Department extended the comment period to January 26, 1994, and three sets of comments were received. Two were from government entities while the third was from a public policy group. The Department received and evaluated the comments as follows:

Comment: The definition of "assistance" for which the fund could be used to reimburse State and local governments should be expanded to include direct and indirect costs, such as overhead and administrative costs, associated with providing services and resources to aliens, including those illegal aliens incarcerated in jails and prisons for violation of State criminal

laws. Additionally, assistance should also include providing for basic medical, cash, and social service needs in the short run, and housing, education, and human service needs in the longer rule. This type of social service assistance should not be tied to the establishment of large shelter facilities.

Response: These changes have not been adopted. The Immigration Emergency Fund provides only limited resources which must be allocated in a judicious fashion. The Department believes that the use of the funds should be limited to assistance provided to the Attorney General in the enforcement and administration of the immigration laws of the United States. This view is supported by the statutory language, which provides for reimbursement for "assistance as required *by the Attorney General* * * *." 8 U.S.C. 1101, note (b)(2)(A) (emphasis added). The Attorney General's mission does not include providing social services or providing costs of incarcerating persons for violating State criminal laws. Thus, only in limited circumstances do these types of services assist the Attorney General.

Comment: It should be made clear that any denial of funds is without prejudice, and that there may be an opportunity for the States or local governments to renew their request.

Response: This change is unnecessary and has not been adopted. The regulation contains no language which would limit the ability of a State or local government to renew an application.

Comment: For the purpose of determining the increase in the number of asylum applications in an Immigration and Naturalization Service ("INS") district for a given quarter, the number of Cuban nationals who remain in the INS district after the expiration of their visitors visas should be included as *de facto* asylum applicants, whether or not the Cuban nationals have formally applied for asylum.

Response: This change has not been adopted. The suggested method for calculating the number of asylum applications filed in a certain quarter is inconsistent with the plain language of the statute and other portions of the INA. However, the Attorney General may consider the concerns raised by the comment regarding Cubans who remain without filing asylum applications as "other circumstances" justifying access to the fund.

Comment: The definition of "other circumstances" is weak, thus making it difficult to understand what this may cover. This definition should be reconsidered and elaborated upon by the Department before final regulations are published.

Response: This change has not been adopted. The statutory language indicates that Congress intended to give the Attorney General broad discretion in determining which "other circumstances" would justify access to the fund. The regulation should not unnecessarily limit that discretion.

Comment: The regulation concerning application requirements should be more specific. The application process should be triggered by a phone call by the chief executive of the impacted jurisdiction to the Attorney General declaring his or her intention to apply to access the fund. This call would immediately be followed by a facsimile correspondence reiterating the chief executive's intent to apply. Within twenty-four hours of the call and facsimile, the Attorney General and the chief executive or their designees would meet to facilitate the negotiation of the application. The written application would need to be submitted within five calendar days of this meeting and would include: (a) A cover letter from the chief executive; (b) a written narrative of the emergency conditions and listing the state point of contact; (c) a listing of the broad service categories required by the aliens; (d) a description of the services; (e) the number or estimated number of aliens to be served; (f) the cost or estimated cost to be incurred; and (g) time parameters for service provision with a proviso that access to the funds could be extended without formal reapplication in the case of exigent circumstances.

Response: The specific procedures recommended would be a sound and welcome way for a State or local government to present its request for funding, but the regulation has not been amended to require adherence to those specific procedures. The flexible application process prescribed in the regulation is sufficiently specific without being unduly burdensome in the information requirements or overly confining in the formal requirements of the application. The rule has been amended to allow the Attorney General to use the grant or cooperative agreement process to provide funding, in addition to negotiating a separate reimbursement agreement. Accordingly, State and local governments may also use standard grant applications. The informal communication recommended by the commentator is already included in the regulation at § 65.85(b), and is strongly encouraged.

Comment: The regulation is currently promulgated under 28 CFR part 65, which is entitled "Emergency Federal Law Enforcement Assistance." The regulation should be retitled to reflect the overall intent of the statute and the contents of the regulation more accurately.

Response: This change has not been adopted. The regulation remains codified under 28 CFR part 65. However, subpart I is entitled "Immigration Emergency Fund," and the Department will consider redesignating the regulation in the future.

Procedural Matters

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is promulgated in accordance with the principles set forth in Executive Order 12866, and the Department considers the rule a "significant regulatory action" within the meaning of section 3(f) of E.O. 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget ("OMB").

The regulation adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The information collection requirements contained in this rule have been cleared by OMB under the provisions of the Paperwork Reduction Act. The OMB clearance number is 1115–0184.

List of Subjects in 28 CFR Part 65

Grant programs—law, Law enforcement, Reporting and recordkeeping requirements.

Accordingly, part 65 of chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 is revised to read as follows:

Authority: The Comprehensive Crime Control Act of 1984, Title II, Chap. VI, Div. I, Subdiv. B, Emergency Federal Law Enforcement Assistance, Pub. L. 98–473, 98 Stat. 1837, Oct. 12, 1984 (42 U.S.C. 10501 et seq.); 8 U.S.C. 1101 note; Sec. 610, Pub. L. 102–140, 105 Stat. 832.

2. Part 65 is amended by adding a new subpart I to read as follows:

Subpart I—Immigration Emergency Fund

§ 65.80 General.

The regulations of this subpart set forth procedures for implementing section 404(b) of the Immigration and Nationality Act ("INA"), 8 U.S.C. 1101 note, by providing for Presidential determinations of the existence of an immigration emergency, and for payments from the Immigration Emergency Fund to State and local governments for assistance provided in meeting an immigration emergency. The regulations of this subpart also establish procedures by which the Attorney General may draw upon the Immigration Emergency Fund, without a Presidential determination that an immigration emergency exists, to provide funding to State and local governments for assistance provided as required by the Attorney General in certain specified circumstances.

§ 65.81 General definitions.

As used in this part:

Assistance means any actions taken by a State or local government directly relating to aiding the Attorney General in the administration of the immigration laws of the United States and in meeting urgent demands arising from the presence of aliens in the State or local government's jurisdiction, when such actions are taken to assist in meeting an immigration emergency or under any of the circumstances specified in section 404(b)(2)(A) of the INA. Assistance may include, but need not be limited to, the provision of large shelter facilities for the housing and screening of aliens, and, in connection with these activities, the provision of such basic necessities as food, water clothing, and health care.

Immigration emergency means an actual or imminent influx of aliens which either is of such magnitude or exhibits such other characteristics that effective administration of the immigration laws of the United States is beyond the existing capabilities of the Immigration and Naturalization Service ("INS") in the affected area or areas. Characteristics of an influx of aliens, other than magnitude, which may be considered in determining whether an immigration emergency exists include: the likelihood of continued growth in the magnitude of the influx; an apparent connection between the influx and increases in criminal activity; the actual or imminent imposition of unusual and overwhelming demands on law enforcement agencies; and other similar characteristics.

Other circumstances means a situation that, as determined by the Attorney General, requires the resources of a State or local government to ensure the proper administration of the immigration laws of the United States or to meet urgent demands arising from the presence of aliens in a State or local government's jurisdiction.

§ 65.82 Procedure for requesting a Presidential determination of an immigration emergency.

(a) The President may make a determination concerning the existence of an immigration emergency after review of a request from either the Attorney General of the United States or the chief executive of a State or local government. Such a request shall include a description of the facts believed to constitute an immigration emergency and the types of assistance needed to meet that emergency. Except when a request is made by the Attorney General, the requestor shall file the original application with the Office of the President and shall file copies of the application with the Attorney General and with the Commissioner of INS.

(b) If the President determines that an immigration emergency exists, the President shall certify that fact to the Judiciary Committees of the House of Representatives and of the Senate.

§ 65.83 Assistance required by the Attorney General.

The Attorney General may request assistance from a State or local government in the administration of the immigration laws of the United States, or in meeting urgent demands where the need for assistance arises because of the presence of aliens in that State or local jurisdiction, and may provide funding to a State or local government relating to such assistance from the Immigration Emergency Fund, without a Presidential determination of an immigration emergency, in any of the following circumstances:

(a) An INS district director certifies to the Commissioner of INS, who shall, in turn, certify to the Attorney General, that the number of asylum applications filed in that INS district during the relevant calendar quarter exceeds by at least 1,000 the number of such applications filed in that district during the preceding calendar quarter. For purposes of this paragraph, providing parole at a point of entry in a district shall be deemed to constitute an application for asylum in the district.

(b) The Attorney General determines that there exist circumstances involving the administration of the immigration laws of the United States that endanger the lives, property, safety, or welfare of the residents of a State or locality.

(c) The Attorney General determines that there exist any other circumstances, as defined in § 65.81 of this subpart, such that it is appropriate to seek assistance from a State or local government in administering the immigration laws of the United States or in meeting urgent demands arising from the presence of aliens in a State or local jurisdiction.

§ 65.84 Procedures for the Attorney General seeking State or local assistance.

(a) When the Attorney General determines to seek assistance from a State or local government under § 65.83 of this subpart or when the President has determined that an immigration emergency exists, the Attorney General shall negotiate the terms and conditions of that assistance with the State or local government, and shall set forth those terms and conditions. Funding related to such assistance can be provided by a reimbursement agreement, grant, or cooperative agreement.

(b) A reimbursement agreement shall contain the procedures under which the State or local government is to obtain reimbursement for its assistance. A reimbursement agreement shall include the title of the official to whom claims are to be submitted, the intervals at which claims are to be submitted, a description of the supporting documentation to be submitted, and any limitations on the total amount of reimbursement that will be provided. Grants and cooperative agreements shall be made and administered in accordance with the uniform procedures in Part 66 of this title.

(c) In exigent circumstances, the Attorney General may agree to provide funding to a State or local government without a written agreement. A reimbursement agreement, grant, or cooperative agreement conforming to the specifications in this section shall be reduced to writing as soon as practicable.

§ 65.85 Procedures for State or local governments applying for funding.

(a) In the event that the chief executive of a State or local government

determines that any of the circumstances set forth in § 65.83 of this subpart exists, he or she may pursue the procedures in this section to submit to the Attorney General an application for a reimbursement agreement, grant, or cooperative agreement as described in § 65.84 of this subpart.

(b) The Department strongly encourages chief executives of States and local governments, if possible, to consult informally with the Attorney General and the Commissioner of INS prior to submitting a formal application. This informal consultation is intended to facilitate discussion of the nature of the assistance to be provided by the State or local government, the requirements of the Attorney General, if any, for such assistance, the costs associated with such assistance, and the Department's preliminary views on the appropriateness of the proposed funding.

(c) The chief executive of a State or local government shall submit an application in writing to the Attorney General, and shall file a copy with the Commissioner of INS. The application shall set forth in detail the following information:

(1) The name of the jurisdiction requesting reimbursement;

(2) All facts supporting the application;

(3) The nature of the assistance which the State or local government has provided or will provide, as required by the Attorney General, for which funding is requested;

(4) The dollar amount of the funding sought;

(5) A justification for the amount of funding being sought;

(6) The expected duration of the conditions requiring State or local assistance;

(7) Information about whether funding is sought for past costs or for future costs;

(8) The name, address, and telephone number of a contact person from the requesting jurisdiction.

(d) If the Attorney General determines that the assistance for which funding is sought under paragraph (c) of this section is appropriate under the standards of this subpart, the Attorney General may enter into a reimbursement or cooperative agreement or may make a grant in the same manner as if the assistance had been requested by the Attorney General as described under § 65.84 of this subpart.

(e) The Attorney General will consider all applications from State or local governments until the Attorney General has expended the maximum amount authorized in section 404(b)(2)(B) of the INA. The Attorney General will make a decision with respect to any application submitted under this section, and containing the information described in paragraph (c) of this section, within 15 calendar days of receipt of such application.

(f) In exigent circumstances, the Attorney General may waive the requirements of this section concerning the form, contents, and order of consideration of applications, including the requirement in paragraph (c) of this section that applications be submitted in writing.

Dated: June 8, 1994.

Janet Reno,

Attorney General.

[FR Doc. 94–14440 Filed 6–13–94; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 94–007]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between January 1, 1994 and March 31, 1994, which were not published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard regulations that become effective and were terminated between January 1, 1994 and March 31, 1994, as well as several regulations which were not included in the previous quarterly list.

ADDRESSES: The complete text of these temporary regulations may be examined at, and is available on request, from Executive Secretary, Marine Safety Council (G–LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander, Thomas R. Cahill, Executive Secretary, Marine Safety Council at (202) 267–1477 between the hours of 8 a.m. and 3 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to assure the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the **Federal Register** is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. However, the affected public is informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation.

Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the **Federal Register**. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. These safety zones, special local regulations and security zones have been exempted from review under E.O. 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period January 1, 1994 and March 31, 1994, unless otherwise indicated.

Thomas R. Cahill,

Lieutenant Commander, Executive Secretary, Marine Safety Council.

QUARTERLY REPORT

Docket No.	Location	Type	Effective date
Baltimore 94–004	Popes Creek, MD	Safety Zone	3/6/94
Charleston 94–012	Socastee, SC	do	2/11/94
Charleston 94–035	Cooper River, Charleston, SC	do	3/23/94
Charleston 94–040	do	do	3/30/94
Corpus Christi 94–001	Gulf Intracoastal Waterway	do	1/5/94
Corpus Christi 94–002	Brownsville Ship Channel, TX	do	1/14/94
Corpus Christi 94–003	do	do	1/17/94
Corpus Christi 94–004	Matagorda Ship Channel, TX	do	1/19/94
Corpus Christi 94–005	Corpus Christi Ship Channel, TX	do	2/3/94
Corpus Christi 94–007	Brownsville Ship Channel, TX	do	2/19/94
Corpus Christi 94–008	Gulf Intracoastal Waterway	do	3/3/94
Huntington 94–001	Ohio River mile 209.0 to 211.0	do	3/11/94
Jacksonville 94–023	Jacksonville, FL	do	3/19/94
Louisville 94–001	Ohio River mile 468.5 to 473.0	do	1/28/94
Miami 93–125	Hollywood to Pompano Beach, FL	do	12/11/93
Miami 94–001	Key West Harbor, FL	do	1/1/94
Miami 94–002	Lake Worth, FL	do	1/3/94
Miami 94–031	Miami, FL	do	3/14/94
Miami 94–032	Fort Lauderdale, FL	do	3/24/94
New Orleans 93–015	Lower Mississippi River	do	9/13/93
New Orleans 94–006	do	do	2/6/94
New Orleans 94–007	do	do	2/9/94
P.W. Sound 94–001	Port Valdez, AK	do	1/3/94
Pittsburgh 94–001	Youghiogheny River	do	1/15/94
Port Arthur 94–001	Upper Calcasieu River	do	2/1/94
Port Arthur 94–002	Port of Beaumont, TX	Security Zone	2/11/94
Port Arthur 94–003	Neches River to Gulf of Mexico	do	2/15/94
San Diego 94–001	San Diego Bay, CA	do	2/22/94
San Francisco Bay 94–006	San Francisco Bay, CA	do	3/5/94
San Juan 94–011	San Juan, P.R.	Safety Zone	2/22/94
San Juan 94–029	do	do	3/18/94
St. Louis 94–002	Upper Mississippi River	do	1/19/94
St. Louis 94–005	do	do	3/11/94
St. Louis 94–006	Missouri River	do	4/7/94.
01–94–003	LPG Vessel MAERSK SUSSEX, NY and NJ	do	1/14/94
01–94–015	East River, NY	do	4/8/94
01–94–024	Scituate, MA	do	3/24/94
01–94–402	Boston, MA	do	3/14/94
02–93–034	Upper Mississippi River	Special Local	1/5/94
07–94–003	Hillsborough Bay, Tampa, FL	do	2/5/94
07–94–036	Intracoastal Waterway, St. Augustine, FL	do	3/27/94

[FR Doc. 94–14448 Filed 6–13–94; 8:45 am]
BILLING CODE 4910–14–M

33 CFR Part 117

[CGD01–94–063]

Drawbridge Operation Regulations; Manchester Harbor, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: Pursuant to 33 CFR 117.43, the Coast Guard is providing notice that it has, at the request of the Town of Manchester, Massachusetts, authorized a temporary deviation for ninety (90) days from the operating regulations governing the Manchester Amtrak Bridge over Manchester Harbor at mile 1.0 in Manchester, Massachusetts.

The permanent regulations are published at 33 CFR 117.603. This deviation authorizes the Manchester Amtrak Bridge to open on signal from June 3, 1994 through August 31, 1994 from 8 a.m. to 9 p.m. At all other times at least 2 hours advance notice is required by calling the number posted at the bridge. This temporary deviation is being implemented to evaluate the effects of the extended operating hours and the impact on marine traffic at the Manchester Bridge. This notice also solicits comments on these changes to the operation of the bridge.

DATES: The deviation is effective for 90 days from June 3, 1994 through August 31, 1994.

Comments on effects of the deviation must be received on or before October 31, 1994.

ADDRESSES: Comments may be mailed to Commander (obr), First Coast Guard District, room 628 at the Captain John Foster Williams Federal Building, 408 Atlantic Avenue, Boston, Massachusetts, 02110–3350. The comments and other materials referenced in this notice will be available for inspection and copying by appointment at the above address. Normal office hours are between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to the above address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, First Coast Guard District, (212) 668–7170.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Manchester Amtrak Bridge over Manchester Harbor has a vertical clearance of 6′ above mean high water (MHW) and 15′ above mean low water (MLW).

The Town of Manchester has requested a change from the operating regulations governing the Manchester Amtrak Bridge in 33 CFR 117.603 which requires that the Amtrak Bridge open on